

NOTICE OF MEETING

Planning and Zoning Commission

February 11, 2009

Cochise County Complex

Board of Supervisors Hearing Room

1415 Melody Lane, Building G

Bisbee, Arizona

EXPANDED AGENDA

Meeting will begin at 4:00

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ROLL CALL (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, applicant's presentation: limited to 15 minutes or at the discretion of the Chair, other persons will each have 4 minutes to speak followed by applicant's rebuttal.)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda. Presentations limited to 5 minutes.)

APPROVAL OF PREVIOUS MINUTES (Call for a motion to approve the minutes from the January 14, 2009 meeting).

NEW BUSINESS

Item 1 – (Page 1) Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-09-06: An Application for an Accessory Living Quarters (ALQ) permit to allow the elder and ill father of the Applicant to live on the property in a separate, 820 square foot manufactured home at 9501 S. Reynolds Road (Parcel No. 104-43-013K) in Hereford. Per Section 1717 of the Zoning Regulations, the Department notified property owners within a 300 foot radius of the Subject Property of the ALQ application and the Department received one letter of protest to the ALQ, thus requiring the Applicant to apply for a Special Use Permit request to the Planning and Zoning Commission.

Applicant: Herbert and Edna Fehling

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION QUESTIONS
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight or Monday through Friday between 8 a.m. and 5 p.m.)

Item 2 – (Page 43) Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-09-01: The Applicant requests a Special Use Permit for Educational Services and Guest Lodging on a 10-acre portion of a 90-acre parcel in an RU District, pursuant to Sections 607.01 and 607.25 of the Cochise County Zoning Regulations. The Applicant seeks to construct a 1,740 square-foot modular building for use as a training center focused on nutrition, gardening/farming, healthy living and evangelism. The Application also includes two principal residences and a guest house for weekend lodging for students, a small farm and storage building. The subject parcel (Parcel # 124-18-001D), which is not addressed, is on Sunshine Lane, approximately one-half mile North of the Sunshine Lane/ SR 80 intersection in St. David, AZ.

Applicants: Anna and Moses Tyler

FOLLOW FORMAT OF ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight or Monday through Friday between 8 a.m. and 5 p.m.)

Item 3 – (Page 85) Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-09-07: The Applicant requests a Special Use in order to legitimize an existing private airstrip, pursuant to Section 607.14 of the Cochise County

Zoning Regulations. The airstrip is to be for private use only, and is intended to serve owners of the Inde Motorsports Ranch. The subject Parcel (209-86-006B) is located at 9301 W Airport Rd., approximately eight miles West of Willcox, AZ.

Applicant: Inde Motorsports Ranch

FOLLOW FORMAT OF ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight or Monday through Friday between 8 a.m. and 5 p.m.)

Item 4 – Election of Officers

PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions
2. Next Month's Dockets

CALL TO COMMISSIONERS

ADJOURNMENT

COCHISE COUNTY PLANNING & ZONING COMMISSION MINUTES

Wednesday, January 14, 2009

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Vice-Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

Members Present	Staff Present
Lee Basnar, Vice Chair	Susan Buchan, Planning Director
Rusty Harguess	Susana Montana, Planning Manager
Don Hudgins	Beverly Wilson, Planner
Al Haralson	Keith Dennis, Planner
Duane Brofer	Mike Turisk, Planner
Jim Martzke	Karen Lamberton, Transportation Planner
	Ron Durgin, Building Official
	Britt Hanson, Civil Deputy County Attorney
	Jim Vlahovich, Assistant County Administrator
Member Absent	
John Wendle	Others Present
Cruz Silva	(see attached list)

Vice-Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Vice-Chair Basnar then explained to the audience the procedures for considering a docket.

CALL TO THE PUBLIC

Vice-Chair Basnar opened the meeting to the public, being there was no one who wished to speak; Vice-Chair Basnar closed the "Call to the Public"

APPROVAL OF THE MINUTES

A motion was made by Commissioner Martzke made a motion to approve the December 10, 2008 minutes as mailed; it was seconded by Commissioner Brofer. Vote 5-0 to approve minutes as written. There was one abstention from Commissioner Hudgins.

OLD BUSINESS

Commissioner Martzke made a motion to remove Docket SU-08-15 from the table, Commissioner Brofer seconded the motion. Vote was 6-0 to remove docket from table.

Dockets SU-08-15: Planner Mike Turisk presented the application for a Special Use Permit in an RU-4 District to allow for an approximately 280' x 150' roping/rodeo arena with associated structures, including three portable corrals and an 80 sq.-ft. announcer stand, pursuant to §607.44 (Lighted outdoor recreational facilities) of the County Zoning Regulations. Per the Applicant, roping events will be scheduled four days per month on Fridays, Saturdays and Sundays only. The subject parcel (tax parcel # 124-06-005B) is located in Mescal, just east of Tequila Trail, and is accessed via Meadowlark Lane. Mr. Turisk presented a slide show describing the proposal, surrounding zoning and the area in which the project is proposed. He further described factors in favor and factors against.

Commissioner Martzke asked about the amount of events per month.

Mr. Turisk stated it was intended to be 4 events per month.

Tom Anderson, Applicant, stated he was trying to bring in money for the County and surrounding businesses. He explained the cattle guard would be removed and replaced with gates. He further explained the grass and weeds would be mowed down. He explained the only large truck that would be coming to the site would be a cattle truck. Mr. Anderson stated there is not a lot of drinking that takes place at roping events, due to the laws that are in place. He explained it is a family event and people don't want to bring their children around a lot of drunken people.

Vice-Chair Basnar opened the meeting to the public.

Gerard Conrad stated he is in favor of the proposal, he stated he has gone to the events and has never seen anything that would be detrimental to the community. He further stated the businesses in the area are in favor of it.

Daniel Simmons stated he lives in the area and is opposed to the proposal because it would be taking place right next to the homes along Tequila Trail.

Karen Knudtson stated she supports the proposal as a mother and former 4-H leader and feels it would be a place for families to spend time together.

Letha Simmons stated she is opposed to the proposal as it would be a commercial business in an area that is not suitable for commercial business; she further stated she felt it would bring equine diseases to the area with the increase of livestock.

Barbara Radzykewycz stated she is opposed to the proposal as the site abuts her property, and the intense non residential activity will be conducted in a very narrow area. Therefore she feels it will impact her property.

Barbara Cathey stated the events would be located close to her property and feels it has impacted the sale of her property.

Paul Neuber stated he is opposed to the proposal as he feels this would be a fire danger to the area. He feels it is too close to the residences in the area.

Robert Spaulding stated he is opposed to the proposal as he is a developer in the area, and feels it would be detrimental to the sale of his property. He further explained the events will take more than 1 day for set up and shutting down of the event.

Jason Ambrosio stated he is opposed the proposal as the events would take place less than 230' from his back porch.

Vice-Chair Basnar closed the meeting to the public.

Mr. Anderson stated the horses that would be brought to the events have been tested prior to transport. He further stated there isn't a lot of noise associated with the events, there is more noise from the interstate. He stated he would pay whatever fees that would be needed for fire protection.

Mr. Turisk stated that staff recommends conditional approval of the Special Use application with the conditions stated in the memorandum presented to the Commission.

Commissioner Brofer made the motion for approval for dockets SU-08-15 with the recommendations by staff, Commissioner Martzke seconded.

After much discussion by the Commission the vote was 1-5 to approve, the motion failed. Commissioner Harguess voted to support the motion.

NEW BUSINESS

Docket SUA-03-04: Vice-Chair Basnar stated that the docket had been withdrawn by the applicant.

Docket SU-09-01: Vice-Chair Basnar stated the applicant had requested the tabling of the docket until the February 11, 2009 meeting.

Commissioner Martzke made a motion to table docket SU-09-01 to the February 11 meeting, Commissioner Haralson seconded. Vote 6-0 to table docket SU-09-01

Docket SU-09-02: Planner Keith Dennis presented the applicant requests for a Special Use Permit for Guest Lodging, and Indoor and Outdoor Recreation Services in an RU District, pursuant to Sections 607.01 and 607.07 of the Cochise County Zoning Regulations. The Applicant seeks to construct and operate a guest ranch on a 272-acre parcel, with an estimated occupancy of 40 guests in up to 17 rooms. A number of principal and accessory structures are proposed, including a main multi-use lodge, guest rooms, accommodations for staff, and stabling for up to 30 horses. The subject parcel (Parcel # 109-01-004C), which is not addressed, is located approximately 2 miles from the SR 80/Allen Street intersection, across Monument Road from the Schifflin Monument in Tombstone, AZ. Mr. Dennis presented a slide show explaining the proposal, and the surrounding area. He further explained the factors in favor and factors against.

Karen Lamberton, Transportation Planner, explained that the road is a declared road, and the history behind the road.

Wolfgang Klien, Applicant, explained the project and that it would only be marketed to European customers. He further stated that the customers would not bring their own vehicles, and the traffic would only be employees and maintenance people. He furthered stated they were planning to open in 2010.

Joel Mayer, Engineer, stated the wash crossing is concrete and there are no signs of erosion that would hamper travel on the road.

Vice-Chair Basnar opened the meeting to the public.

Harry Hanes stated he was in favor of the proposal as he feels it will be a premier business in Cochise County, and will be a economic boom to the County.

Vice-Chair Basnar closed the meeting to the public.

Mr. Dennis stated that staff recommends approval with the conditions stated in the memorandum.

Commissioner Martzke asked if a separate sign permit is needed.

Mr. Dennis explained if the applicant shows a sign on the concept plan, it would require no more action from the Commission if it is included at the time of the Special Use.

Commissioner Martzke made a motion for approval of Docket SU-09-02 with staff recommendations factors in favor the findings in fact, Commissioner Hudgins seconded. Vote 6-0 to approve.

PLANNING DIRECTOR'S REPORT

- 1) There will be a Board Work session on January 26, on conditions of rezonings and variances. On January 27, the Board will hear the appeal of the billboards. On February 3, there will be a work session on billboards.
- 2) Next month there will be a second meeting on January 28, which will consist of 2 dockets, and they will discuss standard conditions on animal husbandry & airstrips.
- 3) Planning Director Susan Buchan asked the Commission when they wanted to have election of officers, and they decided to have the election at the next meeting.

CALL TO COMMISSIONERS

Commissioner Martzke clarified his questioning of the sign for the guest ranch.

ADJOURNMENT

Motion to adjourn by Commissioner Brofer, Commissioner Martzke seconded. Vote 6-0 to adjourn.

Adjourned at 6:14 p.m.

Planning & Zoning Commission Meeting **Sign in Sheet**

DATE January 14, 2009

PLEASE PRINT

NAME	ADDRESS & EMAIL ADDRESS	PHONE #	ITEM #	Wish to SPEAK?
1. George + Barbara Adzykewicz	387 N. Tequila Trail Benson 85602 baraz34@yahoo.com	586-1237	54-08-15	<input checked="" type="checkbox"/>
2. Paul Carter	103 N Cherokee St Karen baebcarter@gmail.com	586-9394	54-08-15	<input checked="" type="checkbox"/>
3. Paul F. Neuber	176 N. Tequila Trail Benson AZ 85602	586-9063	54-08-15	<input type="checkbox"/>
4. Anna HANES	1387 N. TABOMA Lane TOMBSTONE, AZ 85638 hhanes@theriver.com	457-3128	50-09-02	<input type="checkbox"/>
5. HARRY HANES	1287 N. Taboma Lanes TOMBSTONE, AZ 85638 hhanes@theriver.com	457-3128	50-09-02	<input checked="" type="checkbox"/>
6. Robert Spaulding	2708 KAYSER AVE Sierra Vista AZ 86150 T-spaulding@pharmax.com	925-787-0268	54-08-15	<input checked="" type="checkbox"/>
7. Jimmie Danner	4064 COMANCHE Sierra VISTA AZ 85651	520-249-4436	54-08-15	<input type="checkbox"/>
8. Lette Simmons	373 N Tequila Tr Benson AZ 85602	540-586348	54-08-15	<input checked="" type="checkbox"/>
9. DANIEL SIMMONS	373 N. TEQUILA TRAIL BENSON, AZ 85602	586-3468	54-08-15	<input checked="" type="checkbox"/>
10. Karen Knudsen	103 E 7th St Benson, AZ 85602	686-7580	54-08-15	<input checked="" type="checkbox"/>
11. GERARD T. CONRAD	3277 W. BURNOLAND Benson AZ	850-7477	54-08-15	<input checked="" type="checkbox"/>
12. WILHELMINE KILLEN	23002 N. LAS LUTAS SCOTTSDALE AZ 85255	480-502 8510	54-08-15	<input type="checkbox"/>

Planning & Zoning Commission Meeting

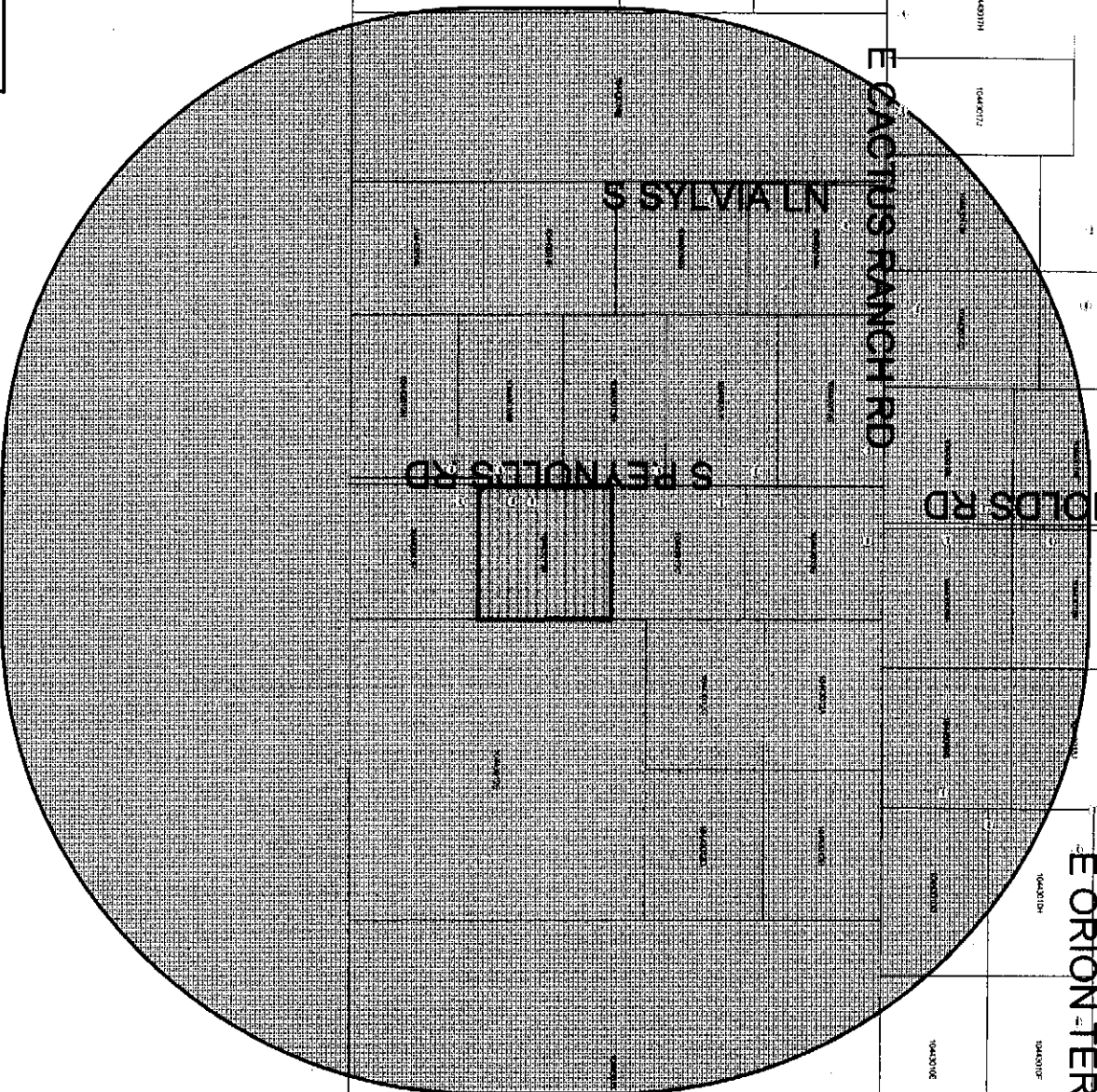
Sign in Sheet

DATE 1/14/09

PLEASE PRINT

Wish to
SPEAK?

NAME	ADDRESS & EMAIL ADDRESS	PHONE #	ITEM #	
1. Jason Ambrosio	137 N. Teguila Tr Benson, AZ 85602		000001	
2.				
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12.				



Legend

- Highlighted Features
- Buffer
- Current Features
- Roads
- Driveway
- Parcels
- Milepost
- Address

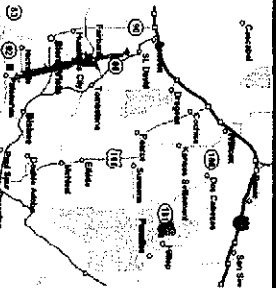


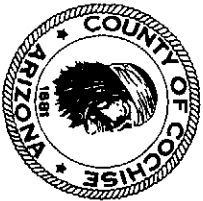
SU-09-06
Fehling
104-43-013K
1500' Buffer

This map is a product of the
Cochise County GIS



0 1" = 561'





COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Susana Montana, Planning Manager
For: Susan Buchan, Planning Director

SUBJECT: Docket SU-09-06 (Fehling)

DATE: January 30, 2009 for February 11, 2009 hearing

APPLICATION FOR A SPECIAL USE PERMIT

Docket SU-09-06 - This is a request for a Special Use Permit for an Accessory Living Quarters dwelling unit (ALQ) to house the elder father of Mr. Fehling. Mr. and Mrs. Fehling live on the property in the principal home and will serve as caretakers for the elder Mr. Fehling in the ALQ, located in a Rural (RU-4) District.

The subject parcel, Lot 104-43-013K, is located at 9501 S. Reynolds Road in Hereford, AZ.

APPLICANTS Edna and Herbert Fehling

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 4 acres

Comprehensive Plan Growth Area: Category D

Comp. Plan Designation: Rural

Zoning: RU-4 (Rural, minimum lot size 4 acres)

Existing Use and Structures: Single Family Residence [1,620 Square Foot (sf)]

Manufactured Home[, septic system, 200 sf shed, 900 sf garage and 1,500 sf Motor Home shelter

Proposed Uses and Structures: Add a 820 sf Manufactured Home, separate septic, address and meter

II. PARCEL HISTORY

The existing 1,620 sf, 12 foot tall, Manufactured Home was installed, with skirting, septic and utilities, in 1998 by Permit Number 9810099;

The 900 sf, 12-foot, 4 inch tall garage was constructed in 1998 by Permit No. 981324; The 200 sf, 10-foot tall shed was installed in 2000 by Permit No. 000683; and The 1,500 sf, 16-foot, 10.5 inch tall, Motor Home shelter was installed in 2002 by Permit No. 020621.



Principal home in the center; Garage to the right; and RV shelter to the far left of photo.



Principal home to the left, Garage in the center, and shed to the right in photo. The narrow side of the 15 by 54 foot ALQ would be aligned with the broad side of the shed.

Zoning/Usage of Surrounding Properties

Relationship of Property to <u>Subject Parcel</u>	Zoning <u>District</u>	Usage of <u>Property</u>
North	TR-36	Single Family Residence
East	TR-36	Single Family Residence
South	TR-36	Single Family Residence
West	TR-36	Single Family Residence

III. NATURE OF THE SPECIAL USE PERMIT

Per Section 605.03 of the County Zoning Regulations (for the Rural District), the Applicants applied for an Accessory Living Quarters (ALQ) permit to allow Mr. Fehling's father, 93 years of age, to live on the property in a separate manufactured home so they can provide living and medical assistance to the elder Mr. Fehling who can live independently with some assistance. Mr. and Mrs. Fehling live on the property in the 1,620 sf manufactured home. The existing electric meter is located more than 200 feet from the proposed location of the ALQ and the Applicants seek permission to install a separate meter for the ALQ as a cost savings.

Per Section 1717 of the Zoning Regulations, the Department notified property owners within a 300 foot radius of the Subject Property of the ALQ application and the Department received one letter of protest to the ALQ permit, thus requiring the Applicant to apply for a Special Use Permit request to the Planning and Zoning Commission.

Accessory Living Quarters:

An Accessory Living Quarter can be an attached or detached residential structure that is used as a guesthouse or as quarters for the ill, elderly or disabled or their caretaker. Mr. and Mrs. Fehling would be caretakers of the elder Mr. Fehling. ALQs are permitted in most residential zoning districts (RU, R, SM and SR Districts) as an accessory use. Article 2 and Section 1717 of the Zoning Regulations establish development standards and restrictions for ALQs in order to protect adjacent residential properties; these limitations include:

- ALQs are limited in size to 850 square feet (sf) or no more than 70 % of the size of the principal dwelling—the proposed ALQ unit, at 820 sf, is about half the size of the Fehlings 1,620 sf home;
- ALQs cannot have a separate address or separate utility meters. However, it is important for the elder Mr. Fehling to have his own telephone for convenience and emergency service purposes; this necessitates a separate address. The existing electric meter for the principal house is located 200 feet from the proposed ALQ; in an effort to reduce costs and

provide affordable housing, the Applicants are seeking a separate meter for the ALQ. Once the unit is no longer needed for the elder Mr. Fehling, it will be removed and the separate meter and address will be eliminated;

- ALQs cannot be rented separately from the main residence, nor used for commercial purposes, other than a home occupation—the ALQ would not be rented to their father and if the elder Mr. Fehling is no longer in need of the unit, it would be sold and removed from the property. Mr. Fehling would not have a home occupation;
- Manufactured homes and park models may be permitted as ALQs in those Zoning Districts that allow manufactured homes as permitted structures—the RU-4 Districts allows the proposed manufactured home; and
- A notice must be recorded on the property as to the limited use and limitations of the ALQ on the property—this will be done upon approval of the Special Use Permit (SUP).

IV. ANALYSIS OF IMPACTS

Compliance with Special Use Factors (Section 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of ten (10) criteria or factors (A through J) to evaluate special use applications. Eight (8) of the criteria apply to this request and are considered factors in the decision whether or not to approve this Special Use Permit and determine what conditions may be needed. The special use application complies with all 8 of the applicable criteria:

A. Compliance With Duly Adopted Plans. The Project Complies.

The property lies within a Category “D” Community Growth Area which includes outlying rural areas between cities, in this case, Sierra Vista, and unincorporated areas and are characterized by unimproved roads, low density, and large lot rural residential development. The Project Site is characterized by four-acre lots accessed from dirt roads in a circuitous route from Highway 92; all characteristics of a D-Rural neighborhood.

The Comprehensive Plan Goal D.2. states: “Promote Safe and Affordable Housing.” Policy 2 states: “Create mechanisms to allow for flexible standards and codes to facilitate affordable housing within the limits of public health and safety in areas deemed appropriate.” Policy 5 states: “Recognize the housing needs of very low, low and moderate-income special needs groups, including but not limited to the elderly, disabled, junior enlisted military personnel and seasonal workers. The County should partner with non-profits, state and federal agencies as well as the Housing Authority of Cochise County to meet the needs of these groups.”

The Applicants would be providing affordable housing to their elder father without any assistance from government, save the authorization of this Special Use Permit. The ALQ provision of the Zoning Regulations is a mechanism to facilitate the provision of safe and

affordable housing without changing the character of the neighborhood, particularly in the proposed RU-4 neighborhood where adjacent accessory structures mimic the size and scale of the proposed ALQ. The allowance of a separate utility meter (phone and power) and an address for emergency responder identification would facilitate the provision of safe and affordable housing.

B. Compliance with the Zoning District Purpose Section. Complies.

The proposed ALQ lies within an RU-4 zoning district which is intended to preserve "rural" areas of the County as well as agricultural activities, non-residential activities which serve local needs and are compatible with rural living, and to protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in the County. Properties within the Site environs are characterized by rural residential homesites with many lots featuring sheds, corrals and outdoor storage of vehicles. The ALQ would be placed on the Site in a similar fashion as neighbors have placed their accessory structures.

C. Development along Major Streets. Not Applicable.

D. Traffic Circulation Factors. Complies.

The elder Mr. Fehling does not drive and would be traveling in the Applicants' vehicle.

E. Adequate Services and Infrastructure. Complies. The ALQ would use the same utility lines as the principal house with separate septic, electric and telephone service.

F. Significant Site Development Standards. Complies. The ALQ, at 820 square feet (sf), represents 50% of the floor area of the principal home and, therefore, meets the maximum size limit of no more than 70% of the size of the principal dwelling unit and no more than a maximum 850 sf in size. Additionally, per the County Zoning Regulations, the ALQ will not be rented.

G. Public Input. Complies: See Public Comment Section VI of this memo, below.

H. Hazardous Materials. Not Applicable.

I. Off-site Impacts. Complies. The ALQ would not require any additional off-site infrastructure (such as roads or sewers), utilities, or public services.

The neighbor of the property immediately to the west of the Project Site is protesting the application because she already has views of the home, shed and a tall motor home shed; the ALQ would add another large object to her viewshed, although views of distant mountains in the horizon would not be altered.

Neither the Comprehensive Plan nor the Zoning Regulations contain policies or regulations that protect viewsheds from private property and, as such, this off-site impact cannot be measured for significance. The Applicants, however, have discussed this concern with the affected neighbor and have considered this impact in the design and location of the ALQ on

their property. As proposed, the narrow side of the 15 feet, 2 inch by 54 feet ALQ unit would face the street. The Applicants are willing to move the ALQ unit approximately 20 feet to the north so that the ALQ would be in the same alignment as the existing shed to the east and, therefore, would not have an additional mass of structure within the neighbor's viewshed (see Condition No. 1).

J. Water Conservation. Not Applicable.

V. COMPLIANCE WITH SITE DEVELOPMENT STANDARDS

Setbacks. Complies: The Site Plan provides the required 40 feet setback on all sides of the property.

Site Coverage. Complies: The 25% maximum site coverage is met. On the 4-acre lot, up to one acre of lot coverage would be allowed. The principal home (1,620 sf), shed (200 sf), motor home shed (1,500 sf), the garage (900 sf) and the ALQ (820 sf) would total 5,040 sf represent less than 3% of the lot area.

Access. Complies: Access is to be provided from Highway 92, an ADOT-maintained highway, via (1) from the west, a chip-sealed, private Three Canyons Road; or (2) from the east, the County-maintained Palominas Road to the private Three Canyons Road, and (3) from Three Canyons Road southward via a circuitous route of dirt and partially-chip sealed roads to the Site; portions of the dirt roads are very muddy.

Screening. Screening is not required in D-Rural areas.

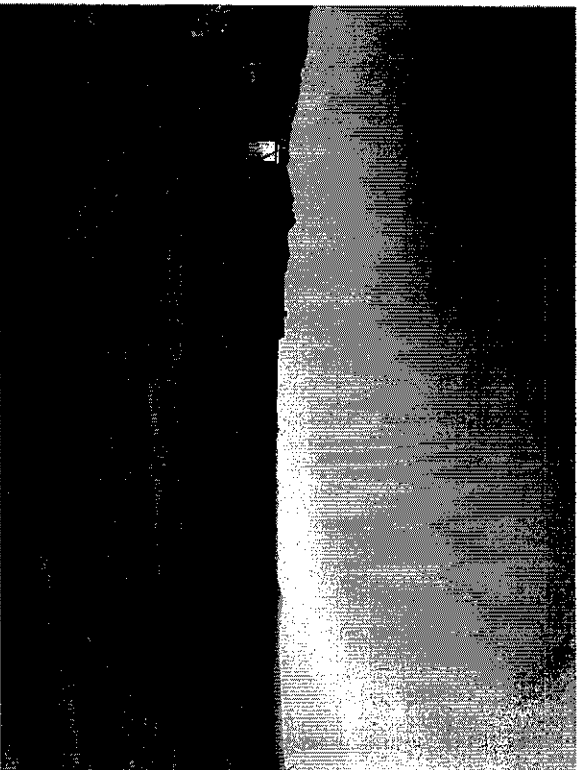
Parking. There is sufficient room on the Site for parking for both units; it is noted that the elder Mr. Fehling does not drive.

VI. PUBLIC COMMENT

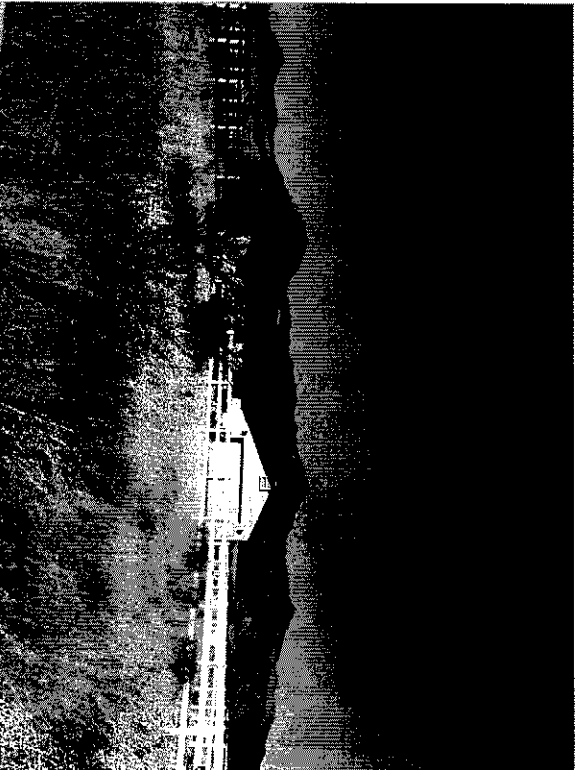
A. Upon receipt of the ALQ request, staff sent letters and a support/protest form to owners of property located within 300 feet of the subject property. One neighbor, the owner of the lot across Reynolds Road to the west, protested the ALQ request by phone conversation and in writing; she objects to an additional large structure on the subject parcel. As such, the Applicant was required to submit a Special Use Permit (SUP) application and conduct a Citizen Review Process.

B. **Citizen Review Report:** The Applicant completed the Citizen Review process. Subsequent to the County's letter notifying neighbors of the ALQ request, the Applicant sent a personal letter with a site plan to the same property owners. Four written responses were received, along with four phone calls; all of which expressed support for the Project. The ALQ protestor did not respond to the Applicant's Citizen Review Letter.

C. County staff mailed notice of the SUP application for the ALQ to the same property owners with a support/protest form related to the SUP. The original protestor, Ms. Stewart, and two other neighbors protested the ALQ. Further, Ms. Stewart stated in the form that she cannot attend the Commission hearing "due to rigid work scheduling conflicts". Five neighbors sent in forms supporting the ALQ request. Staff also published a legal ad in the Sierra Vista Herald and posted a legal notice on the property.



View of the ALQ site from the protesting neighbor's property line fence.



Protesting property owner's house viewed from street property line fence.

VII. SUMMARY AND CONCLUSIONS

Granting a Special Use Permit (SUP) for the ALQ would not generate noise, traffic, dust or other impacts that would be un-harmonious with the rural residential character of the neighborhood. The Applicants have agreed to situate the ALQ in order to minimize the visual prominence of the ALQ in their neighbor's viewshed toward the Hereford valley and distant views of the Mule Mountains. Furthermore, the ALQ would provide affordable housing for a special need person, an elder and medically-disabled family member. The Applicants have stated that they will sell and remove the ALQ when the elder Fehling no longer occupies the unit.

Factors in Favor

1. The Comprehensive Plan "D" Growth Area designation and Rural land use designation of the Site and environs allows rural residential uses along with agricultural uses. The ALQ would not increase the perceived density of the Site or environs because many lots within the area have structures similar in scale and massing as the proposed ALQ. The Applicants share a well with four other parcels and have stated that there is adequate water in the well share to support the ALQ. There is also adequate access, drainage and septic service to support the ALQ.
2. The Site Plan meets the development standards of the RU-4 zoning district.
3. The proposed use would be an appropriate use of the property and would not be dissimilar to other residences in the area which, although they do not have second dwelling units, also feature sheds, outdoor storage of vehicles and goods and other similarly-situated accessory structures.
4. The ALQ, which would be removed when no longer needed for the elder family member, would provide temporary affordable housing to a special needs person which would positively address affordable housing goals and policies of the Comprehensive Plan.
5. Of the 8 responses to the Citizen Review letter, all were in support of the ALQ. Eight neighbors responded to the County's notification letter; six in support and three in opposition, including the original protestor to the ALQ. Neighbors in support cited the need for family members to care for their elders in a way that facilitates their semi-independent living. There was a further suggestion that such ALQs should not require a Special Use Permit but, rather, be allowed as-of-right. One protestor feels the ALQ would lower their property values; another felt that one dwelling per four acres should be preserved; and the original protestor felt her view would be further blocked by the ALQ. In response to her comments, the Applicants moved one motor home out of the viewshed of the original protesting neighbor and propose to align the ALQ with the existing shed to avoid any new, or additional, blockage of her view of the distant mountains.

Factor Against

1. Three adjacent property owners object to the ALQ.

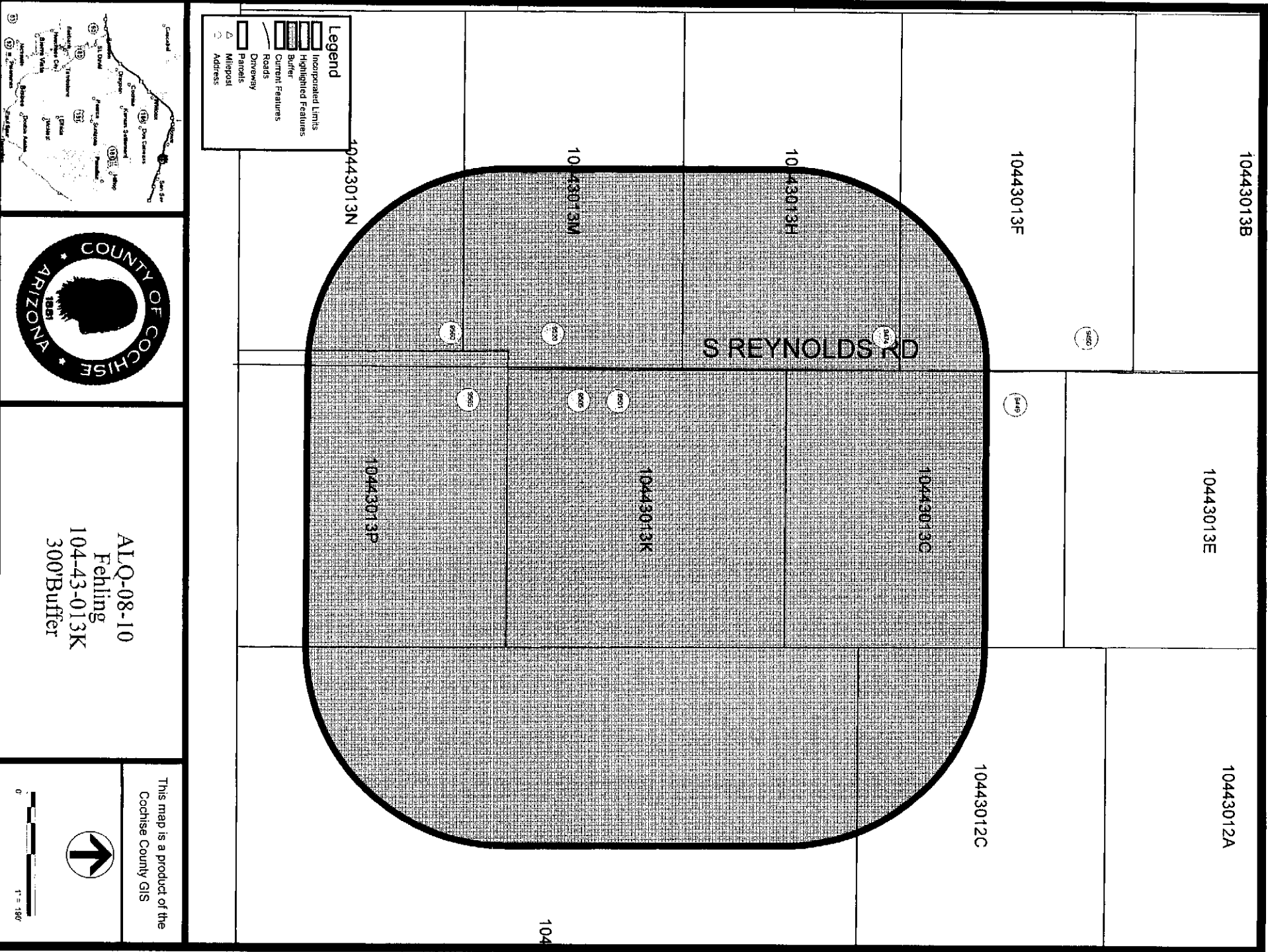
VIII. SPECIAL USE RECOMMENDATION

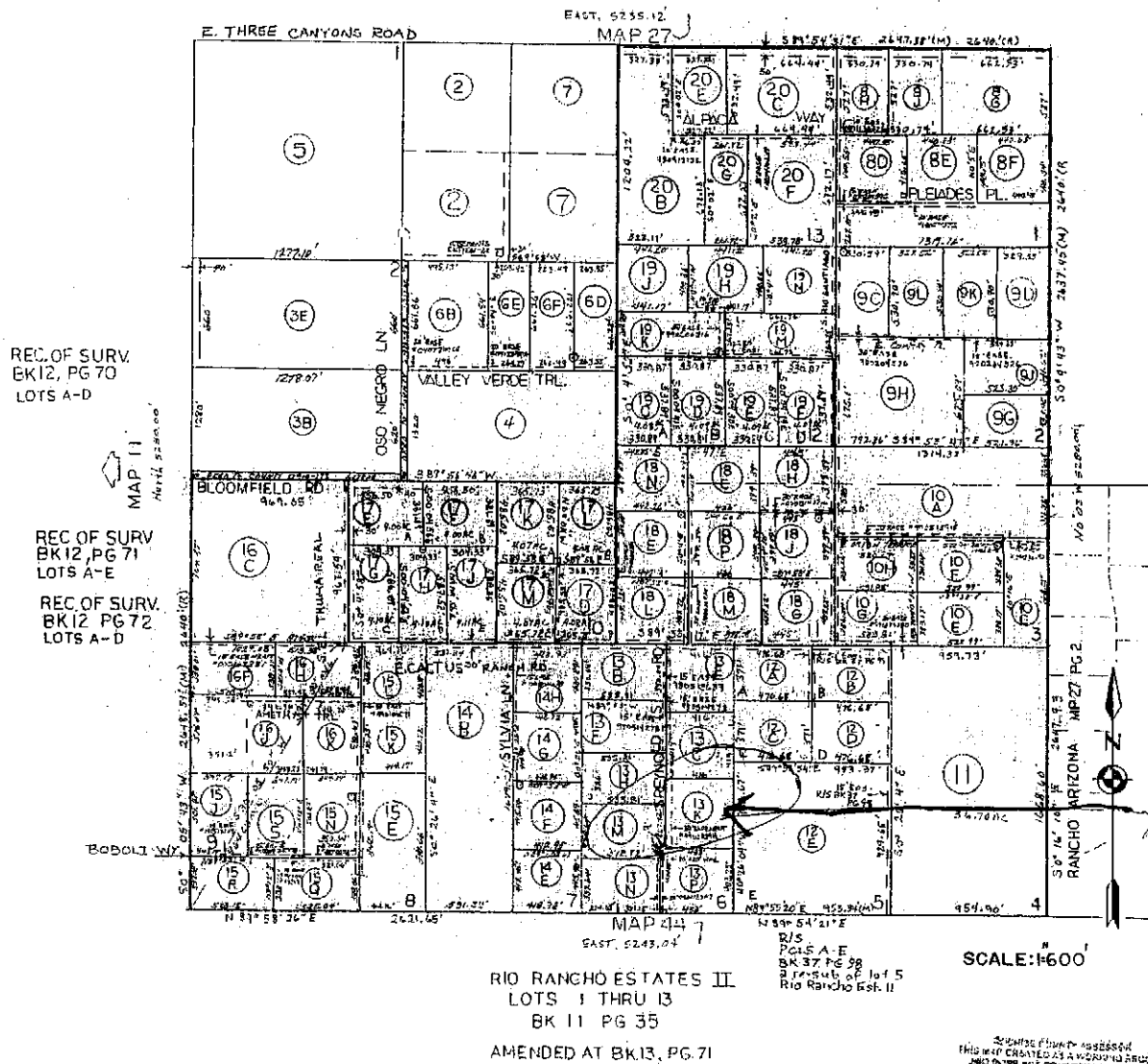
Based on the factors favoring approval, staff recommends **conditional approval** of this Special Use Permit to allow an Accessory Living Quarter on the Subject Property with a separate septic, meter and address, as described in the application and depicted on the site plan, subject to the following conditions:

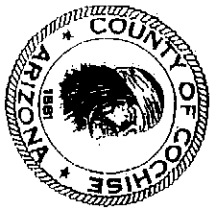
1. The Applicant shall locate the ALQ unit such that the narrow side of the structure faces the street and the northern side of the unit is aligned with the existing storage shed to the east.
2. The Applicant shall remove the ALQ unit when it is no longer to be occupied by qualifying members of their family (elder, disabled or their caretakers); in no case is it to be rented to members of the public.
3. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Special Use request, otherwise the special use approval may be deemed void upon 30-day notification to the Applicant.
4. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
5. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.

ATTACHMENTS

- A. Location & Vicinity Maps
- B. Special Use application
- C. Site plan and Unit plan
- D. Citizen Review Report
- E. Protest and Support Forms
- F. Support and Protest Map







COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director
COCHISE COUNTY

COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 104-43-013K 4 ac.

APPLICANT: Edna and Herbert Fehling

MAILING ADDRESS: P.O. Box 944 Huerfano, AZ 85615

CONTACT TELEPHONE NUMBER: yourmaker@hotmail.com (500) 366-5967

PROPERTY OWNER (IF OTHER THAN APPLICANT): same 366-6204 x4452

ADDRESS: 9501 S. Reynolds Rd. Huerfano principal home
9505 S. Reynolds 12-9-08 AKR

DATE SUBMITTED: 12/29/08 - (Susan approved)

Special Use Permit Public Hearing Fee (if applicable) \$ 300
Building/Use Permit Fee \$ 300
Total paid receipt 656914 check #4611

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).

2. Questionnaire with all questions completely answered (attached).

3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)

4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.

5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? single-family manufactured
home and accessory structures

2. What is the proposed use or improvement? add an accessory dwelling unit
(ADU) for elder father

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? elder father, 93

years of age, to live in 820 sq. ft. ADU
new mfg home.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

none

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

concrete siding of 11Mtg home

6. Will the project be constructed/completed within one year or phased? One Year ✓
Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: Hours (from AM to PM) daily / 24-7

B. Number of employees: Initially: Future: none - family to care for father
Number per shift Seasonal changes

- C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

none - he does not drive

(2) Total trucks (e.g., by type, number of wheels, or weight)

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

(4) If more than one direction, estimate the percentage that travel in each direction

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.
Estimated total gallons of water used: per day 1 adult per year

E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☐ No ☒
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ☐
D. If no, what steps are you taking to obtain such access?
new system to be installed for ALP

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
☒ private road or easement**
☐ County-maintained road
☐ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any. none
Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>well share</u>	
Sewer <input checked="" type="checkbox"/> Septic		
Electricity	<u>APG</u>	
Natural Gas	<u>propane</u>	
Telephone	<u>quest</u>	
Fire Protection	<u>valerinas</u>	<u>fire Dist.</u>

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

only residential type use
we rarely go outdoors.

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No ✓ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. not for ALP

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No ✓ if yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ✓ if yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No ✓ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No ✓ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ✓ No ___ only for residential use If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ___ No ✓ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No ✓ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No X

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No ___ n/a

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other compacted gravel)
12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checked) 9'x19' - 4 PKG spaces
13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No ___ If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

low flow toilets, showers, etc

2. How many acres will be cleared? none

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No ✓ Yes If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

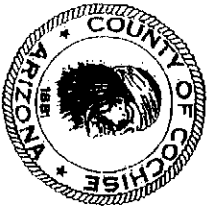
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature *Edna Delunas*

Date signed 12-29-2008



COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MA

Hazardous Materials Attachment

Firm's current name: _____

Current location: _____

Fire district: _____

Nearest main intersection with street names: _____

Distance: _____ miles Direction: _____

Firm's previous location(s)

Previous name(s) of firm/operation: _____

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material	Quantity
Material	Quantity
Material	Quantity
Material	Quantity

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

-gm
12/29/6



H. Gehling 12-29-08
Edna E Gehling 12-29-08

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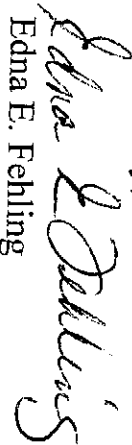
Herbert & Edna Fehling
P O Box 944
Hereford, Arizona 85615
January 27, 2009

Cochise County Planning Department
Attn: Susana Montana, Planning Manager
1415 Melody Lane
Bisbee, Arizona 85603

RE: 820 Square Foot Accessory Living Quarters Special Use Permit
Application, Parcel No. 104-43-013K, located at 9501 S. Reynolds Road in
Hereford

This letter is a follow-up to the Special Use Permit, Citizen Review Process mailings. Letters were sent on January 7, 2009 to the individuals who had mailing labels provided by the County. I have attached a copy of the mailing label list with annotations. Of the 30 letters that were sent, 6 were returned as unable to deliver. We received no negative feedback on our proposed project from this mail-out. We did receive positive feedback in the form of 3 letters of support, 1 e-mail letter of support, and 4 phone calls supporting the project – 1 call from Mary Sue Scofield, 1 call from Rosemary Padilla who also indicated that she would be sending a letter to the County supporting our project and 2 calls from individuals residing on Sylvia Lane.

Yours truly,


Edna E. Fehling

January 7, 2009

RE: Accessory Living Quarters Application 08-10, Parcel No. 104-43-013K, located at
9501 S. Reynolds Road in Hereford

Dear Neighbor:

We are your neighbors, Edna and Herb Fehling, residing at 9501 S. Reynolds Road. On November 24, 2008, we made application to Cochise County Planning Board for Accessory Living Quarters (ALQ) for the elderly and disabled that would allow us to care for Herb's widowed father in a home environment. Herb's dad turned 93 years old on January 2, 2009 and suffers from end stage renal disease and multi-infarct dementia (long and short term memory loss). He does not suffer from senility and is aware of his environment. He does not want an assisted living environment with a shared bedroom and shared living space. He is capable of making the decision on where he wants to reside. However, he recognizes it is no longer safe for him to live independently and the Accessory Living Quarters is an appropriate compromise that will allow him to remain independent yet be able to have care and oversight provided by family rather than strangers.

We plan to add a new 820 square foot manufactured home on our property located at, 9501 South Reynolds Road, that will be used exclusively for living quarters for Herb's dad. (Please see the attached site plan. This location was chosen after meeting with our neighbors and comments made by the neighbor of the adjoining property). Outside residential lighting will conform to current Cochise County Light Pollution Code. Herb's dad does not drive and access to the home will be from our existing driveway. Herb and I will be providing his care so there will be no additional traffic on the road. We are not attaching the structure as a permanent fixture to our property. It is our hope that the ALQ be a temporary structure and that after it is no longer needed by Herb's dad, that we would be able to sell the home. However, given the current housing market, we cannot guarantee that will happen. We do guarantee and have signed an affidavit with the County that the ALQ will never be used as a rental.

On December 10, 2008, the Cochise County Planning Department sent a Notice of Application for Accessory Living Quarters to neighbors residing within 300 feet of the proposed location. Property owners where given the opportunity to respond in writing within 15 days of receipt should they object to the proposed ALQ. One objection was received within the allotted time from neighbor, Sherri J. Stewart. If a protest is received then we, the applicants, may proceed via a Special Use Permit (filed on December 29, 2009). The Special Use Permit process requires us to conduct a Citizen Review Process which entails our sending notice to owners of property located within 1500 feet our parcel and inform them of our ALQ request, the purpose of the request and where on our property the unit would be located. You are receiving this letter as part of that process. You are invited to submit comments on our request for special use of our property to allow the Accessory Living Quarters for Herb's dad. We would be happy to meet with

you to discuss the project. You can contact us by phone at 366-5967. Please submit your comments within ten (10) days of the receipt of this letter.

Please send written comments to:

Edna and Herb Fehling,

P.O. Box 944

Hereford, AZ 85615-0944

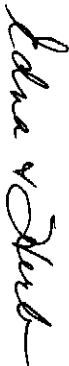
OR

e-mail: gourdmaker@hotmail.com

You are free to but are not required to attend the public hearing as all comments received whether written, e-mail or verbal become part of the Special Use Permit Package that is presented to the Planning and Zoning Commission. The Planning and Zoning Commission will consider the project at a public hearing on February 11, 2009.

We hope that you will support us in our efforts to take care of Herb's dad in an appropriate and safe environment.

Yours truly,

A handwritten signature in cursive script, appearing to read "Edna & Herb", written in dark ink.

Edna and Herb

BERNAL ERNESTO R & LINDA G MOREI
9455 SYLVIA LANE
HEREFORD AZ 85615

LANGLEY BOBBY F & MARIA C
9267 REYNOLDS ROAD
HEREFORD AZ 85615

not deliverable

SCOFIELD ROBERT J & MARY SUE
P O BOX 1186
HEREFORD AZ 85615

phone call/positive support

CASTELLO MICHAEL J & ANNE M
PO BOX 1071
HEREFORD AZ 85615

MACKEY PATRICIA E
9474 REYNOLDS RD
HEREFORD AZ 85615

not deliverable

SHIDNIA HELGA (S)
4304 SABANA LOOP SE APT D
RIO RANCHO NM 87124

CISNEROS FRANCISCO
P O BOX 1268
HEREFORD AZ 85615

MULLINS JASON D & HEATHER D
9252 S REYNOLDS RD
HEREFORD AZ 85615

not deliverable

SKARSTEDT BO STEPHAN
PO BOX 142
HEREFORD AZ 85615

CLARK LAWRENCE E & RUTH D REV LI
9304 S LITTLE DOG LN
HEREFORD AZ 85615

NOZISKA ROBERT J & SUEANN G KENN
12305 MONTES RD
LA MESA NM 88044

SNYDER DOUGLAS F & BEVERLY
P O BOX 981
HEREFORD AZ 85615

DEVORE JAMES H JR & DEEON M
3790 S BONITA VISTA LANE
HEREFORD AZ 85615

PADILLA MARK ANTHONY SR & ROSEN
4919 E EVERGREEN DR
SIERRA VISTA AZ 85635

phone call/letter to positive support

STEWART SHERRI J
P O BOX 136
HEREFORD AZ 85615

FEHLING HERBERT N III & EDNA E
PO BOX 944
HEREFORD AZ 85615

Applicant

PAGE MICHAEL O & DEBRA A
P O BOX 944
HEREFORD AZ 85615

letter of support

TAYLOR GARY W & SANDRA L
9587 E CACTUS RANCH
HEREFOR AZ 85615

FOX KIM M
P O BOX 1183
HEREFORD AZ 85615

RIEG JEFFREY D & MERRI E
9526 E CACTUS RANCH RD
HEREFORD AZ 85615

not deliverable

WAGONER BILL R & ELIZABETH A
3316 PEBBLE BEACH DR
SIERRA VISTA AZ 85650

HALSTED DORMAN D & MARGARET D
PO BOX 852
HEREFORD AZ 85615

& mail support

ROCKING R RANCH
190 ABBOTT DR
WHEELING IL 60090

WATSON BRETT J & PATRICIA
9461 S EL THUMA REAL
HEREFORD AZ 85615

HOWARD GILBERT A JR & KATHLEN A
9323 S RIO SANTIAGO
HEREFORD AZ 85615

not deliverable

RODER FAMILY TRUST
9346 S RIO SANTIAGO
HEREFORD AZ 85615

not deliverable

WEBSTER FAM TR
7550 S ROCKWOOD DR
HEREFORD AZ 85615

KELLEY RODNEY V & JUDY D
PO BOX 541
HEREFORD AZ 85615

ROMERO KATHERINE A
P O BOX 1235
HEREFORD AZ 85615

letter of support

WITT LEON D & JEAN
PO BOX 1452
HEREFORD AZ 85615

letter of support 97

Jean Witt
9639 E. Cactus Ranch Rd
Haverford, AZ. 85615
580-346-0128

Mailing Address -
P.O. Box 1452
Haverford, AZ 85615

Dear Sirs, or Madam,

I am a neighbor of Ethel and Herb Fehling. They sent me a letter about their notice of Application for Accessory Living Quarters, that they want to put a place, in to be able to take care of his father.

I'm in agreement with them.

I do not object to this.

It would not bother the neighbors at all, in anyway. It's on their property.

I think it is a very good idea, and a very comfortable way to help take care of his father.

I think they should be allowed to put a house on their property.

I think they should be able to get the ALQ request.

Sincerely,

Jean Witt
104-43-013B

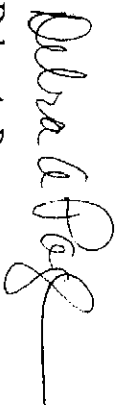
Debra A. Page
PO Box 246
Hereford, AZ 85615

January 11, 2009

RE: Accessory Living Quarters (ALQ) Application 08-10 104-43-013K
To Whom it May Concern,

I am writing in support of the ALQ Application 08-10 for Edna and Herb Fehling. I have no problem with the ALQ and sincerely hope the application will be granted. I applaud the Fehling's efforts for taking care of Herb's dad and allowing him to live independently and with dignity in a family environment.

Sincerely,





Debra A. Page

D

[Windows Live™ Home](#) [Profile](#) [People](#) [Mail](#) [Photos](#) [More ▾](#) [MSN ▾](#)

D

Edna ▾
sign out **Hotmail**[gourdmaker@hotmail.com](#)**Inbox (475)****Junk (2)****Drafts (2)****Sent****Deleted (10)**[Manage folders](#)[Related places](#)[Today](#)[Contact list](#)[Calendar](#)[Privacy](#)[New](#) | [Delete](#) [Junk](#) | [Mark as ▾](#) [Move to ▾](#) |[Options ▾](#) [Reply](#) [Reply all](#) [Forward](#)**Accessory Living Quarters****From:** **Marge Halsted** (mhalsted@yahoo.com)**Sent:** Sun 1/11/09 11:01 AM**To:** [gourdmaker@hotmail.com](#)

January 11, 2009

Dear Edna and Herb,

In response to your letter "Accessory Living Quarters" on your property at 9501 S. Reynolds Road for living quarters for Herbs' Dad. WE have absolutely no objections to this.

If there is anything we can do to help you with this matter, please feel free to contact us at anytime.

Your Neighbors,

Doyle and Marge Halsted

9686 Cactus Ranch Rd.

520-366-0095

104-43-013E

January 11, 2009

Cochise County Planning Department
1415 Melody Lane
Bisbee AZ 85603

(Hand-Delivered)

Re: Special Use Permit for Accessory Living Quarters / PN: 104-43-013K

Greetings,

I am writing regarding the Special Use Permit for Accessory Living Quarters / PN: 104-43-013K on application of Herb and Edna Fehling, residing at 9501 S. Reynolds Road. We have been their neighbors for five-and-one-half years and are well aware of the situation they have been managing with Herb's father.

This country is changing: more and more frequently, adults are having to assume caregiving roles for their elderly parents who are no longer able to fully take care of themselves. Extended families are, once again, becoming a way of life in this country. One of the reasons we moved to Arizona, and selected the property we purchased, is because it has a separate living quarters which has allowed my mother to live at home, with us, instead of being placed in a caregiving facility.

We are not only wholeheartedly in support this application, to allow the Fehling's to do what they need to do to provide comfort and care for Herb's father as long as they can do so, but we also suggest that the Planning and Zoning regulations be examined to see if there is some way to "unfetter" these regulations so that a Special Use Permit is not required to make such arrangements.

Thank you for your consideration.

Katie and Jerry Howard
9565 S. Reynolds Road
Hereford, AZ 85615

104-43-013K

Cc: Herb and Edna Fehling
Patrick G. Call, Supervisor – District One

SPECIAL USE: Docket SU-09-06 (Fehling)

E

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

Unceasingly keep the Fehling application (case 08-10) until he approved. I applaud this effort in trying to take care of family first - in other words, I imagine who'd die 1st who out there and allowing him to live with dignity and independence

☐ **NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Debra A. Page

SIGNATURE(S):

Debra A. Page

YOUR TAX PARCEL NUMBER: 104-43-013 N 6 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS: 9560 S. Reynolds Road (PO Box 246) Sheriden, AZ 85705

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on February 2, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Susana Montana

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: smontana@cochise.az.gov

Fax: (520) 432-9278

SPECIAL USE: Docket SU-09-06 (Fehling)

X YES, I SUPPORT THIS REQUEST

Please state your reasons: ONLY under the following stipulations

① The Manufactured home may only be used for the
Purpose stated

② The Manufactured home must be removed from the
property once it is no longer needed for the elders
ill father.
Without these stipulations, our vote would be "No"

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Robert J. NOZISKA

STEAM G KENNY NOZISKA

SIGNATURE(S):

Robert J. Noziska

Steam G. Kenny Noziska

YOUR TAX PARCEL NUMBER: 104-43-014E 1 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 12305 Montes Rd La Mesa NM 88044

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RETURN TO: Susana Montana

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: smontana@cochise.az.gov

Fax: (520) 432-9278

SPECIAL USE: Docket SU-09-06 (Fehling)

✓ YES, I SUPPORT THIS REQUEST

Please state your reasons:

This should be allowed for
them (Fehling) to take care of their property
and ill father on their property. As to be
new family claiming her grand home.

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Dorman D. HALSTED

MARGARET D. HALSTED

SIGNATURE(S):

Dorman D. Halsted

Margaret D. Halsted

YOUR TAX PARCEL NUMBER: 104-43-013E 8 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 96866Aethus Ranch Rd - Box 852 Hueyerd, AZ 85615

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RETURN TO: Susana Montana

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: smontana@cochise.az.gov

Fax: (520) 432-9278

SPECIAL USE: Docket SU-09-06 (Fehling)

YES, I SUPPORT THIS REQUEST

Please state your reasons: We commend the Fehlings for wanting to take care of their father. We have no problems with their request, quite frankly we feel our input should benefit no consequence as to whether or not they should be allowed to do this. We wish them well and hopefully this will all work out fine.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Mark Padilla Rosemary Padilla

SIGNATURE(S):

Mark Padilla Rosemary Padilla

YOUR TAX PARCEL NUMBER: 104-43-04ED (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 4919 Evergreen Dr. Sierra Vista AZ 85635

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on February 2, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Susana Montana

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: smontana@cochise.az.gov

SPECIAL USE: Docket SU-09-06 (Fehling)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: I

totally believe that we should
take care of the elderly besides allowing
them to care for themselves as long as
possible.

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Sandra Testler

Gary Testler

SIGNATURE(S):

Sandra Testler

Gary W. Testler

YOUR TAX PARCEL NUMBER: 104-43-017D

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 9587 E. Cactus Ranch Rd.

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on February 2, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Susana Montana

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: smontana@cochise.az.gov

Fax: (520) 432-9278

January 11, 2009

Cochise County Planning Department
1415 Melody Lane
Bisbee AZ 85603

(Hand-Delivered)

Re: Special Use Permit for Accessory Living Quarters / PN: 104-43-013K

Greetings,

I am writing regarding the Special Use Permit for Accessory Living Quarters / PN: 104-43-013K on application of Herb and Edna Fehling, residing at 9501 S. Reynolds Road. We have been their neighbors for five-and-one-half years and are well aware of the situation they have been managing with Herb's father.

This country is changing: more and more frequently, adults are having to assume caregiving roles for their elderly parents who are no longer able to fully take care of themselves. Extended families are, once again, becoming a way of life in this country. One of the reasons we moved to Arizona, and selected the property we purchased, is because it has a separate living quarters which has allowed my mother to live at home, with us, instead of being placed in a caregiving facility.

We are not only wholeheartedly in support this application, to allow the Fehling's to do what they need to do to provide comfort and care for Herb's father as long as they can do so, but we also suggest that the Planning and Zoning regulations be examined to see if there is some way to "unfetter" these regulations so that a Special Use Permit is not required to make such arrangements.

Thank you for your consideration.



Katie and Jerry Howard
9565 S. Reynolds Road
Hereford, AZ 85615
104-43-013K

Cc: Herb and Edna Fehling
Patrick G. Call, Supervisor – District One

SPECIAL USE: Docket SU-09-06 (Fehling)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

☒

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We don't want changes in the current zoning specifications, particularly where it states one residence per four acres.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Michael J. Castello

Anne M. Castello

SIGNATURE(S):

Michael J. Castello

Anne M. Castello

YOUR TAX PARCEL NUMBER:

104-43-018A2

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

9345 S Reynolds Rd. Hereford, AZ

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RETURN TO: Susana Montana

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: smontana@cochise.az.gov

Fax: (520) 423 0370

ACCESSORY LIVING QUARTERS COMMENT LETTER

Property Owner Name: Sherril J. StewartTelephone Number: 530-366-5768Address: 9530 S Reynolds Rd. (Palomina Hereford) 85615
Street # _____ Town _____ State AZ. Zip code _____Parcel Number: 6 (optional)Date: 12.19.8

We the undersigned as property owners within 300 feet of the parcel for which an Accessory Living Quarters is requested object for the following reasons:

Their property already has three very large objects that occupy the residence.
(1) A very high and wide ^{long} industrial object.
(2) Two huge size motor homes.
The man being 92.0 old and Reading about the sensitive and delicate conditions brings
me to think my Independent living Building would be a potential hazard for the individual.

Signature (s): _____

Sherril J. Stewart

Return to: COCHISE COUNTY PLANNING DEPARTMENT
 1415 Melody Lane, Bisbee, Arizona 85603
 (520) 432-9240 Fax 432-9278

Office Use Only

Date received: _____

Received within 15 days of mailing of Property owner letter: Yes: _____ No: _____

Postmarked date of letter: 12/10/08

Your County Questions Answered

www.cochisecounty.com

SPECIAL USE: Docket SU-09-06 (Fehling)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*I have no further reasons
to add with the other comments already
mentioned in the prior request options
that was previously mailed back to the
Department.*

(Attach additional sheets, if necessary)

PRINT NAME(S):

Sherri J. Stewart

SIGNATURE(S):

Sherri J. Stewart

YOUR TAX PARCEL NUMBER: 104-43-013 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Donna J. Hefner

ilable

ore

re
time to

*I cannot attend this
hearing due to rigid work
scheduling conflicts.*

Sherri J. Stewart

SPECIAL USE: Docket SU-09-06 (Fehling)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I (we) feel that other ^{adjoining} living
arrange ments could be made for the
elderly gentlemans care that would not
so adversely affect property values
in the area. This is no time to lower
property values. Values are plunging.

(Attach additional sheets, if necessary)

PRINT NAME(S): LAWRENCE E. CLARK RUTH D. CLARK

SIGNATURE(S): Lawrence E. Clark Ruth D. Clark

YOUR TAX PARCEL NUMBER 104-43-011-4 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 9304 S Little Dog, Hereford, AZ 85415

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RETURN TO: Susana Montana

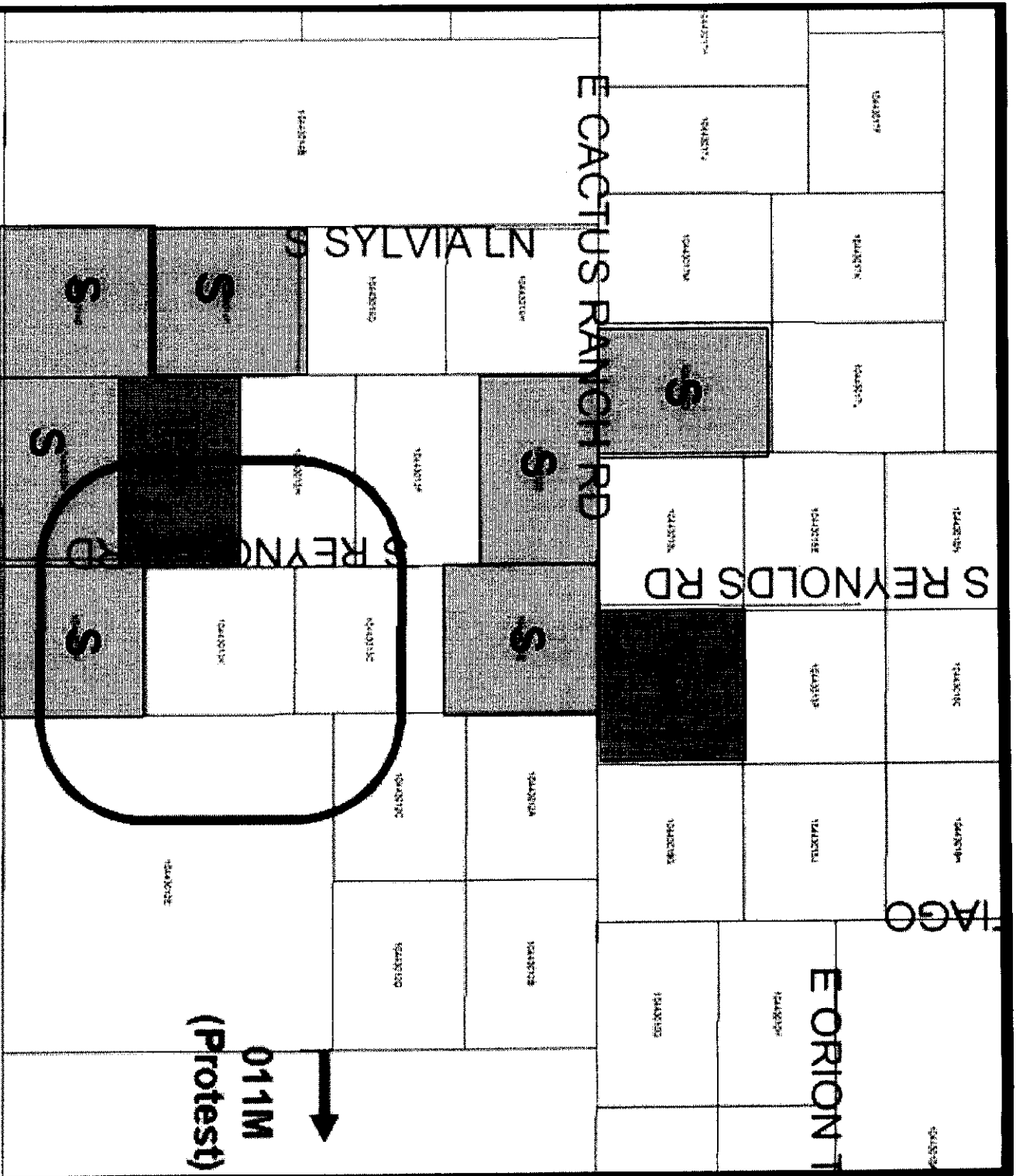
Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

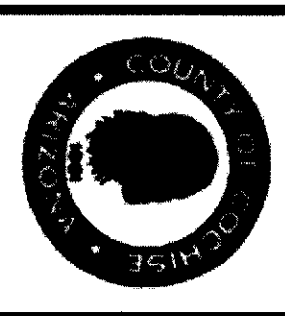
Email: smontana@cochise.az.gov

Fax: (520) 432-9278



S – Support (2 within buffer, 7 total)

P – Protest (1 within buffer, 3 total)

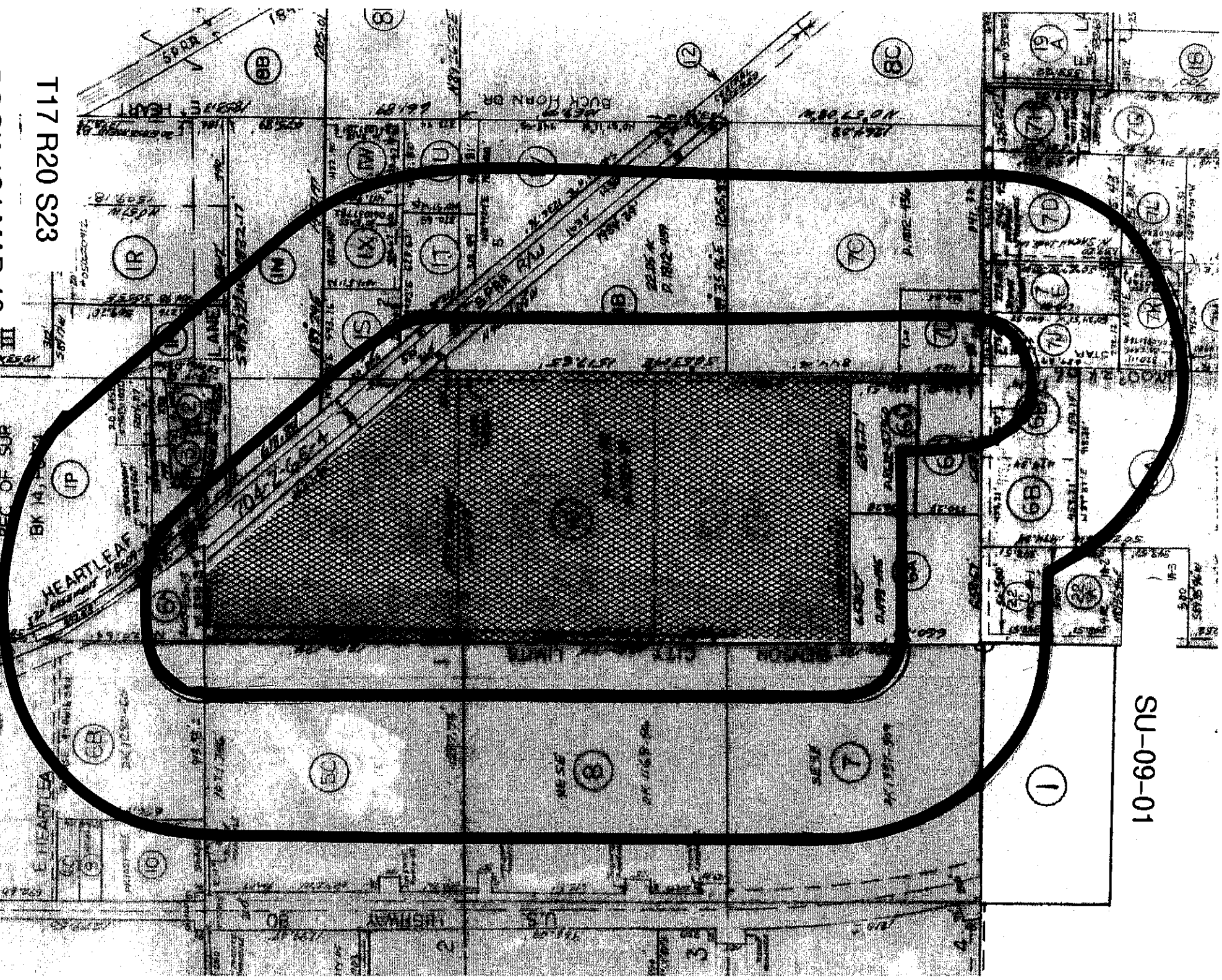


SU-09-06 (Fehling)
Support and Protest
300' Buffer

This map is a product of the
Pinal County GIS

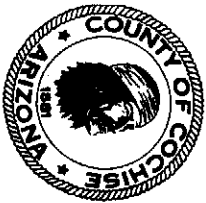
42

SU-09-01



T17 R20 S23

BOOK 124 MAP 18



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner
For: Susan Buchan, Planning Director
SUBJECT: Docket SU-09-01 (Tyler)
DATE: January 29, 2009 for the February 11, 2009 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests a Special Use Permit for Educational Services and Guest Lodging on a 10-acre portion of a 90-acre parcel in an RU District, pursuant to Sections 607.25 and 607.01 of the Cochise County Zoning Regulations. The Applicant seeks to install a 1,740 square-foot modular building for use as a training center focused on nutrition, gardening/farming, healthy living and evangelism. The Application also includes a 960 square foot manufactured home, a 1,680 square foot site built home with an attached 400 square foot guest house for weekend lodging for students and guest speakers, and a 900 square foot accessory building.

The subject parcel (Parcel # 124-18-001D), which is not addressed, is on Hollyhock Lane, approximately one-half mile North of the Sunshine Lane/ SR 80 intersection in St. David, AZ. Applicants: Anna and Moses Tyler.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 90.83 Acres
Zoning: RU-4 (1 dwelling per 4 acres)
Growth Area: Category B
Plan Designation: Developing
Area Plan: None Applicable
Existing Uses: None, undeveloped land
Proposed Uses: 1,740 square foot educational services building, accessory structures, small scale agriculture, a manufactured home, site-built home with attached guest house, and accessory building.

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Railroad Right-of-Way; Undeveloped Land
South	RU-4	Rural Residential, Undeveloped Land
East	RU-4	Agriculture, Residential Rural
West	RU-4	Undeveloped Land, Benson City Limits

II. PARCEL HISTORY

The property is undeveloped. No permits or any violations have been issued for the subject property.

The property owner, Diane Johnson, inherited this and other adjacent parcels from her father. The area is home to pecan and pistachio groves, small-scale agricultural operations and rural residences characteristic of the St. David area San Pedro River bottomlands.



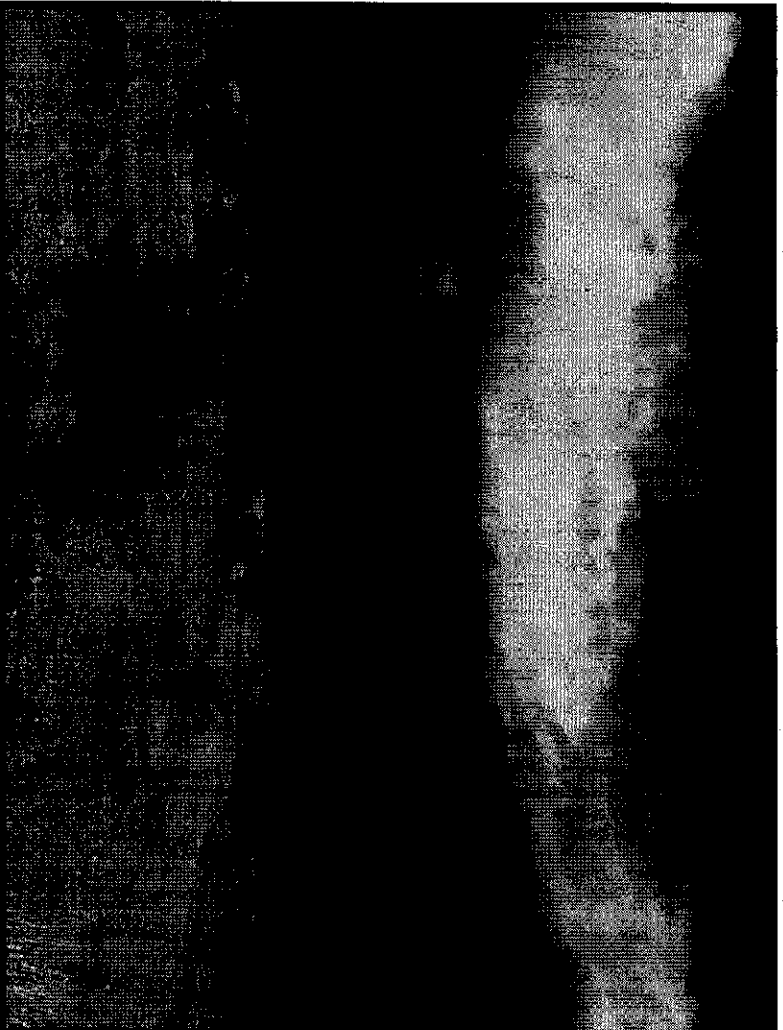
Looking East at the 90-acre property entrance.

III. PROJECT DESCRIPTION

The Applicants have obtained permission from the owner to develop a 10-acre portion of the 90-acre property for use as a faith-based education service. Per the Applicant, attendees are to be instructed in "how to eat/live healthy," and will also feature "some missionary training."

The classes are to be held in a 1,440 square foot modular building, with an attached 300 square foot kitchen (1,740 square feet total). This is to be the principal structure for the Educational Services Special Use. A 1,680 square foot site built home is proposed as the Applicants' residence, with an attached 400 square foot guest house. The Applicants plan to allow guest speakers and students stay in the guest house, as well as in the proposed 960 square foot manufactured home. Small scale agriculture is to be performed on a 20,000 square foot plot, with farm equipment to be stored in a 900 square foot accessory building.

Per the Applicant, the Special Use will operate on up to two weekends per month, from 8:00 a.m. until 6:00 p.m. on Fridays, Saturdays and Sundays. The Applicant anticipates five to eight vehicles will access the site during these periods, with up to five volunteer employees in attendance.



Looking North at the undeveloped project site.

IV. ANALYSIS OF IMPACTS

The site plan shows a row of 10 parking spaces facing South along the Southeast portion of the project site. Vehicles using this row of parking spaces could impact the rural residential lot immediately South with headlight glare. Staff recommends, as part of condition of approval #2(B), that the Applicant revise the site plan to orient parking spaces or provide adequate screening, such that headlight glare will not impact neighboring properties.

Impacts associated with non-residential traffic along streets that primarily serve residential areas are analyzed below, in Section V of this Report.

Apart from these concerns, the project site itself is not anticipated to generate any discernable off-site impacts. Many of the educational activities are to take place indoors; farming activities taking place on the property will be in keeping with the agricultural character of the area, and will generate minimal off-site impacts, if any.

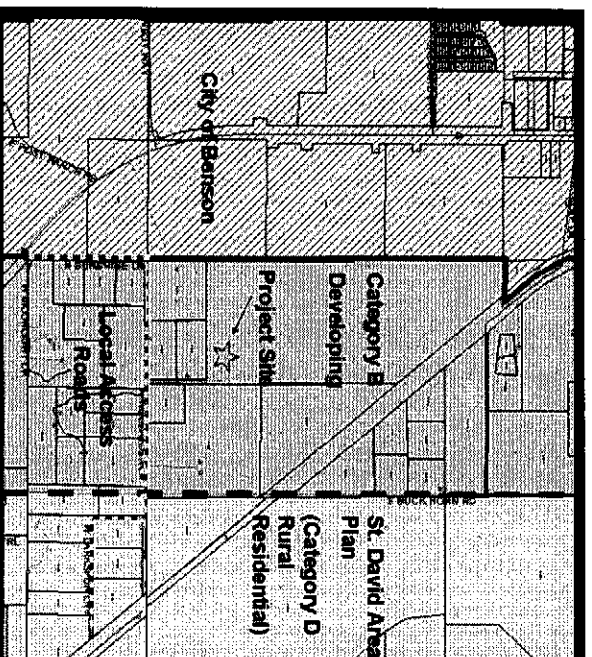
V. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria with which to evaluate Special Use applications. These are considered factors in determining whether or not to approve a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Seven of the 10 criteria apply to this request. The project complies with three of the seven applicable criteria.

A. Compliance with Duly Adopted Plans: Complies

The project site is within a Category B Community Growth Area of the Comprehensive Plan. The Comprehensive Plan Designation for the property is "Developing." The property is within narrow buffer area between the boundaries of the St. David Area Plan and the incorporated limits of the City of Benson. The properties in the St. David Area Plan to the East are designated as Category D with a Plan Designation of "Rural Residential."

Thus, when viewed on a map (below), the area appears as a "logical transition between urban growth and rural areas," (201.A.2.b). However, when viewed from on the ground, the area of Benson immediately adjacent to the subject property is characterized by undeveloped, rural land. The character and pattern of development of the neighborhood just outside of the Benson city limits, in which the property is situated, would be more characteristic of the St. David Plan Designation to the immediate East, i.e. Category D, Rural Residential.



Strictly speaking, however, the request is for a moderate growth level project just outside an incorporated city, and as such the project would conform to the Category B – Developing designation.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposal complies with the Rural Zoning District purpose statements (Section 601) in that it would provide educational services which are compatible with rural living.

C. Development Along Major Streets: Not Applicable**D. Traffic Circulation Factors: Does Not Comply (See Conditions #3 and 4)**

A 50-foot access easement owned by the property owner provides access to Hollyhock Lane.

Sunshine Lane and Hollyhock Lane are both 50-foot wide public access easements which provide Highway 80 access to the rural residential lots in the neighborhood. Although traffic is anticipated to be light (11-25 trips per day during off-peak hours), the Special Use would result in non-residential traffic along streets that primarily serve residential areas. See the Transportation Planner Memorandum attached to this report. Staff recommends, as conditional approval #3, that the Applicant enter into a private maintenance agreement with the County, in order to ensure that Hollyhock Lane and Sunshine Lane are maintained in a safe, driveable condition, prior to operation of the Special Use.

Although Hollyhock and Sunshine Lanes are 50-foot wide public access easements, they are best described as primitive roads. Staff measurements along these roads range from 15 to 19 feet in width, meaning that the roads are essentially one lane, and composed of loose sandy soil which can result in dust disturbance and difficult driving conditions. Neighbors have indicated to staff that along these roads, drivers often must pull over to one side of the road to allow oncoming traffic to pass. Additionally, during the monsoon season both Sunshine and Hollyhock can be difficult to traverse. In order to partially remedy this situation, staff recommends, as condition of approval #4, that the Applicant be required to improve Sunshine and Hollyhock Lanes, from the Sunshine/SR 80 apron to the driveway entrance along Hollyhock Lane, with a 2-inch deep gravel surface.

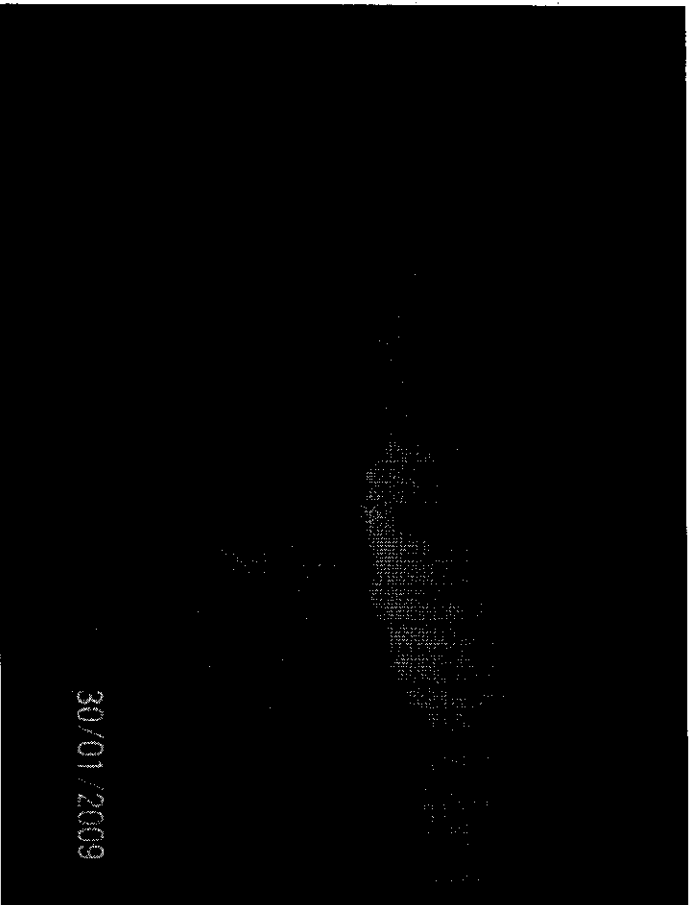
E. Adequate Services and Infrastructure: Does Not Comply (See Conditions #2 – 4, and #6)

The site is to be served by an on-site well and septic system. The Application indicates that the site is to be served by solar panels and a grid-connected wind turbine system. Condition #2 would require the Applicant to revise the site plan to reflect the location of these systems.

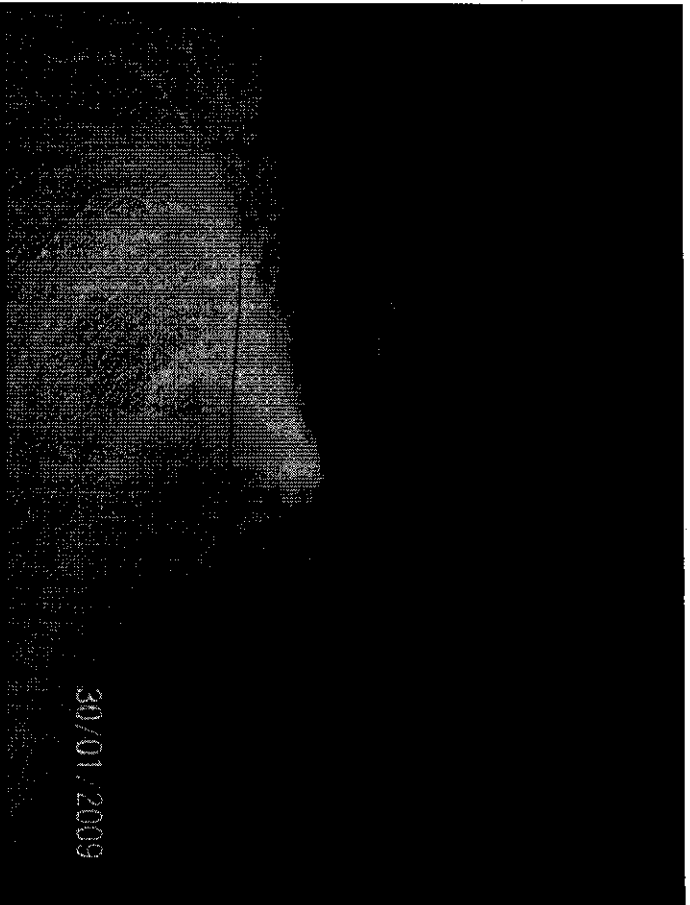
There is no fire coverage for this area. Staff recommends, as Condition #6, that the Applicant enter into a service agreement or contract with a fire protection service for any new structure, and provide County staff with documentation of such agreement.

The Adequate Services and Infrastructure Special Use Factor is addressed in Section 1716.02.E of the Zoning Regulations. It reads, in part, the when a site *"accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as...substandard road design or surface,"* then compliance with this factor is dependent upon the Applicant's willingness to address these problems. Compliance with this factor is also contingent upon the site having access to *"streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by this use."* Although off-site improvements such as gravel surfacing would mitigate substandard driving conditions along

these roads, such as the loose composition and susceptibility to erosion, even these improvements would not make these one-lane, primitive roads adequate for non-residential traffic.



*Above: Looking South toward HWY 80: Sunshine Lane is as narrow as 15 feet in some places.
Below: Hollyhock Lane is as narrow as 19 feet along much of its length.*



F. Significant Site Development Standards: Complies (Subject to Condition #2, Requested Modifications to Site Development Standards)

Staff recommends, as Condition #2, that the Applicant revise the site plan as follows:

- A. Show the location of the proposed solar and wind energy systems referenced in the Application;
- B. Revise the parking plan to prevent headlight glare from impacting the property immediately South of the project site;
- C. Provide one 12' x 45' loading space (unless modified by the Commission);
- D. Label all driveways, parking and loading areas as having a double-bituminous asphalt surface (unless modified by the Commission); and
- E. Show the location of the proposed sign on the property.

Note that the recommended parking plan revision (B) does not address a site development standard issue, but possible off-site impacts from headlight glare to the neighbor to the South.

The Applicants have requested the following modifications to site development standards: The requirement of one 12' x 45' loading space, and the requirement of a double-bituminous asphalt surface for all parking and loading areas (as required for Category B Growth Areas in the Comprehensive Plan).

G. Public Input: Does Not Comply

Section 1716.02.G of the Zoning Regulations reads in part: *"If there is major opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process."*

In the initial Citizen Review (attached), the Applicant received two phone inquiries about the project, both of which primarily concerned access to the property. One letter signed by three neighbors in the initial Citizen Review indicated opposition to the request, based on traffic concerns along Sunshine Lane, and a desire to limit development in the area to rural residential.

The Applicants completed this first round of Citizen Review in anticipation of the January 14, 2009 hearing. The original letter described the operation as a "Medical Ministry or Health Center," and stated that the business would "[p]rovide instruction for a 21 day detox program promoting health and diet." This statement left many neighbors with the impression that the operation was to be a drug and/or alcohol treatment program.

Upon learning that the Applicants intended to allow students and guest speakers to stay in one or more of the three proposed dwellings on the project site, staff requested that the Docket be tabled until the February 11, 2009 meeting, and that the Applicant send out a new Citizen Review letter, clarifying the intended use of the proposed dwellings. Staff also advised the Applicants to revise

the Citizen Review letter to clarify the intent of the operation, i.e. a "Healthy Living Ministry" (as the letter characterizes it) rather than a drug/alcohol treatment program.

During the first round of public input staff received four responses from neighbors opposed to the project. Prior to the January 14 hearing, however, staff received anecdotal indications that a large number of neighbors opposed the project and planned to attend the January 14, 2009 hearing to voice their concerns in person.

During the second and most current round of public input, the Applicant received no responses to the Citizen Review letter, and staff received a petition opposing the project, signed by the owners of 18 properties, all of which take access from Sunshine and/or Hollyhock Lane. The petition addresses neighbors' concerns including preservation of the rural character of the neighborhood, traffic at the Sunshine Lane/SR 80 intersection, and poor road conditions. The petition concludes with a statement that the neighbors "want to keep [their] privacy and prevent any complexes and industrial growth from developing in [their] neighborhood." The petition is attached to this Memo, along with a map reflecting the location of the opposing neighbors' properties relative to the project site and the roads on which the site takes access.

On February 3, 2009, staff received a petition circulated by the Applicant, signed by 22 persons from a number of communities, in support of the project. That petition is also attached to this Memo.

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Does Not Comply (See Conditions 2 - 5)

Off-site impacts associated with headlight glare are discussed in Section IV, above, and would be remedied by the application of Condition #2.

Off-site impacts from non-residential traffic along Sunshine and Hollyhock Lanes are analyzed as part of factors D and E, above, and would be partially remedied by the application of Conditions #3 and 4.

The development may generate off-site impacts associated with stormwater runoff and erosion. Staff recommends, as condition of approval #5, that the Applicant complete the required Land Clearing Permit which identifies and provides steps to mitigate off-site stormwater impacts to the satisfaction of the Highway and Floodplain Department, prior to the issuance of a building permit.

J. Water Conservation: Not Applicable

The project is not a major development, nor is the project site within the Sierra Vista Sub-Watershed boundary. It is anticipated that the project's water usage will be similar to other rural residential/small agriculture operations.

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on January 13, 2009 and published a legal notice in the *Sierra Vista Herald* and the *San Pedro Valley News-Sun* on January 22, 2009. Staff received comment from four neighbors

during the first round of public input; during the second round, staff received a petition signed by property owners representing 18 parcels in the area. Staff has also received a petition supporting the project, signed by 22 members of the public. Public input is discussed in more detail in Section V (Factor G) of this Memo, above.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The project would conform to the Rural Zoning District purpose statement, and is a compatible use for a Category B – Developing Comprehensive Plan Designation.

Factors Against Approval

1. The project would result in non-residential traffic along streets designed to serve rural residential areas. These roads are primitive, subject to dust disturbance, washouts during monsoons, and Sunshine and Hollyhock Lanes, which are used to access the property, are essentially one-lane roads.
2. The project complies with only three of the seven applicable Special Use factors analyzed in Section V of this Memo.
3. Staff has received a petition against the project signed by owners of 18 nearby parcels, each of which takes access from Sunshine and/or Hollyhock Lane.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, Staff recommends **denial** of the Special Use. However, should the Commission approve the Special Use, staff recommends the following conditions of approval:

1. Within thirty (30) days of approval of the Special Use Permit, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall submit and obtain a new use permit and a building permit for the facility within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval and meeting all site development standards except as modified, the completed special use permit questionnaire, and appropriate fees. A use permit must be issued within 18 months of the Special Use approval, otherwise the Special Use approval may be deemed void upon 30-day notification to the Applicant.
2. Prior to the issuance of a building permit, the Applicant shall revise the site plan as follows:
 - A. Show the location of the proposed solar and wind energy systems referenced in the Application;
 - B. Revise the parking plan, or provide adequate screening, to prevent headlight glare from impacting the property immediately South of the project site;

- C. Provide one 12' x 45' loading space (unless modified by the Commission);
- D. Provide a double-bituminous asphalt surface on all driveways, parking and loading areas (unless modified by the Commission); and
- E. Show the location of the proposed signage on the property.
- 3. Prior to operation of the Special Use, the Applicant shall enter into a private maintenance agreement with the County, in order to ensure that Hollyhock Lane and Sunshine Lane are maintained in a safe, drivable condition.
- 4. Prior to operation of the Special Use, the Applicant shall improve Sunshine and Hollyhock Lanes, from the Sunshine/SR 80 apron to the driveway entrance along Hollyhock Lane, with a 2-inch deep gravel surface.
- 5. Prior to the issuance of a building permit, the Applicant shall obtain a Land Clearing Permit which identifies and provides steps to mitigate off-site stormwater impacts to the satisfaction of the Highway and Floodplain Department.
- 6. Prior to operation of the Special Use, the Applicant shall enter into a service agreement or contract with a fire protection service for any new structure, and provide County staff with documentation of such agreement.
- 7. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
- 8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.

IX. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant requests the following Modifications to site development standards:

- 1. Waive the requirement for one 12' x 45' loading space; and
- 2. Waive the requirement that all internal driveways, parking and loading areas be paved.

X. ATTACHMENTS

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Transportation Planner's Comments
- D. Site Plan
- E. Citizen Review Report
- F. Public Comment
- G. Opposing Petition
- H. Supporting Petition
- I. Requested Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 124-18-061D 8

APPLICANT: Ann Julia Tyler

MAILING ADDRESS: 3141 W. Avenida Isabel Tucson AZ 85746

CONTACT TELEPHONE NUMBER: 520-830-9123

PROPERTY OWNER (IF OTHER THAN APPLICANT): Diane Johnson

ADDRESS: Parcel #124-18-061D 8 (First 10 Acres facing

Benson Rte) First 4 will be commercial, remaining
6, residential.

DATE SUBMITTED: 11-28-08

Special Use Permit Public Hearing Fee (if applicable)

\$ 300⁰⁰

Building/Use Permit Fee

\$ 300⁰⁰

Total paid

\$ 300⁰⁰

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-Residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application. (will be faxed in).
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TLA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TLA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Vacant land - undeveloped

2. What is the proposed use or improvement? Small 1440 sq. ft. Modular (24 X 60)

office building to be used as a training center
for learning how to eat/live healthy - some missionary training.

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Very minimal to start - 2 weekends

per month. Indoor training - Christian environment.
Minimal noise if any.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

These training will be non-profit based on
donators. Some reading materials, DVD's, CD's may be sold.

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Modular Building previously used by Tucson Zoological Society. Will require
some siding repairs, new windows.

6. Will the project be constructed/completed within one year or phased? One Year ☒ (4 mths)
Phased ☐ if phased, describe the phases and depict on the site plan.

If possible completion within 4 months.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 2 weeks per month. Hours (from 8 AM to 6 PM)

B. Number of employees: Initially: 2-4 Future: 5 (depends on need)
Number per shift Seasonal changes (volunteers)

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
one ^{two} weekends per month, approx 5-8 vehicles

(2) Total trucks (e.g., by type, number of wheels, or weight)
0

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
 Hwy 80 to Sunshine to Hollyhock ^{Public easement Rd.} to property

(4) If more than one direction, estimate the percentage that travel in each direction
very minimal - just to the property and out.

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
Starting Friday early afternoon ending Sunday afternoon
(2 weekends per month)

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 10-20 max per year 3000-7200 max

E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☐ No ☒
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ☐
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochine County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):

☒ private road or easement** (Public Roadway to easement)
____ County-maintained road
____ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached NA ☒

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private well	Private well
Sewer/Septic	septic installed	septic to be installed
Electricity	Solar Panels/wind turbine	Install solar panels
Natural Gas	no gas	No gas
Telephone	local phone company	Install local phone
Fire Protection	local Fire Dept.	local Fire dept.

SECTION B - Outdoors Activities/Off-site Impacts

I. Describe any activities that will occur outdoors.

Possibly Camping but in the property as much as possible. Farmers training (minimal)

2. Will outdoor storage of equipment, materials or products be needed? Yes X No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. small shed 10x10 will be behind building.

far from neighbors.

3. Will any noise be produced that can be heard on neighboring properties? Yes X No if yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? Initial noise to install modular

building. Neighbors will be informed.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes No X if yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties?

5. Will odors be created? Yes No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

6. Will any activities attract pests, such as flies? Yes No X If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes X No X If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes No X If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. B. C. D.

9. Will any new signs be erected on site? Yes X No If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes No X

If yes, will storm water be directed into the public right-of-way? Yes No

Will washes be improved with culverts, bank protection, crossings or other means?

Yes X No if needed (not sure)

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Gravel

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes No X If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

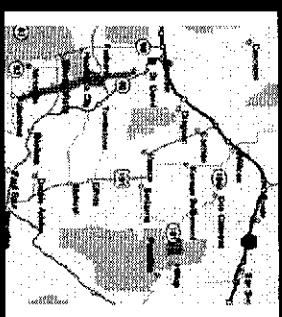
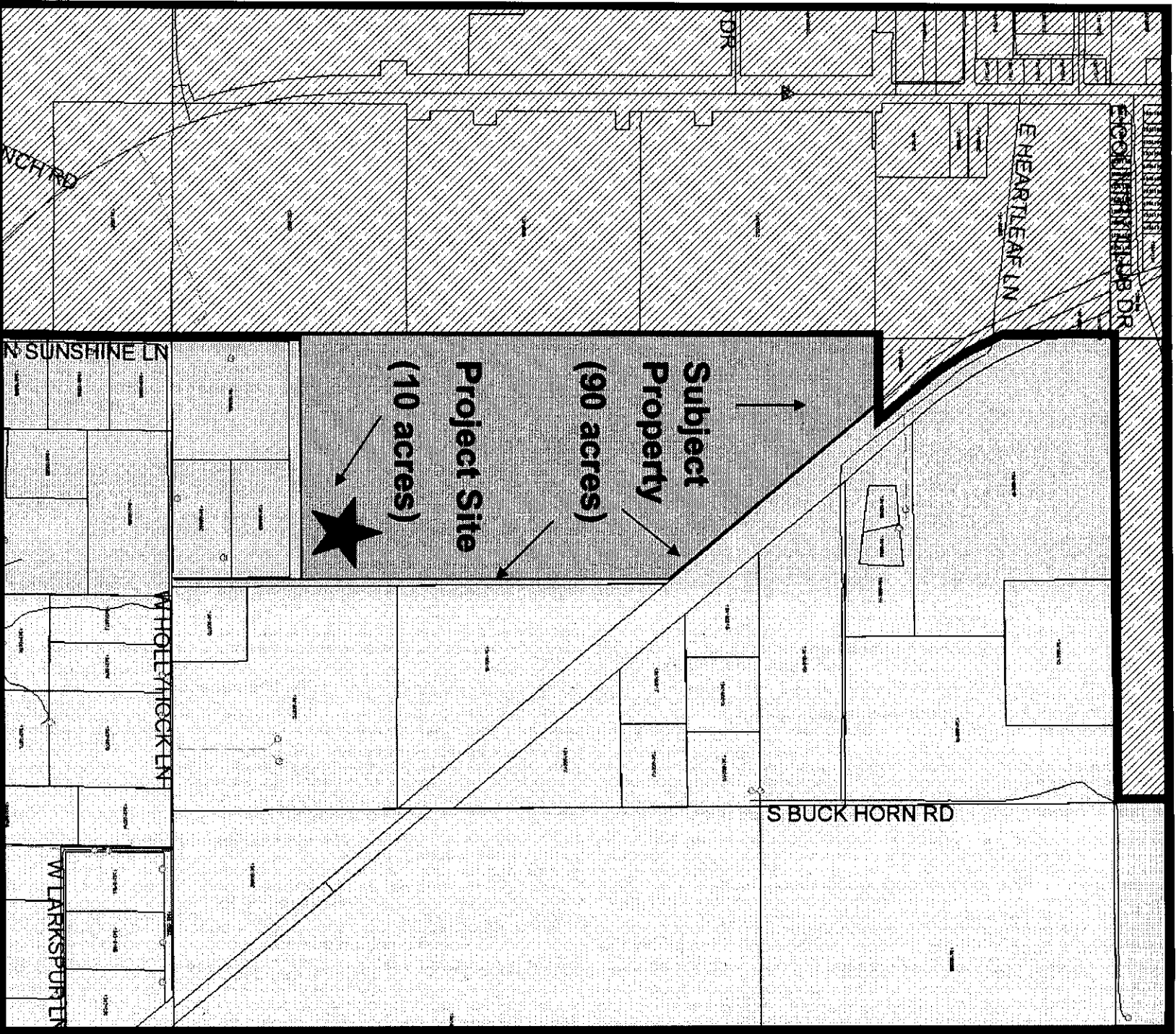
SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Water harvesting - if needed

2. How many acres will be cleared? LESS than 1 acre

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)



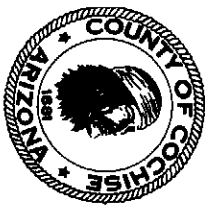
SU-09-01 (Tyler)
Location Map

This map is a product of the
Cochise County GIS



0 1/2 1
1" = 1/2"

60
B



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Keith Dennis, County Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: SU-09-01 (Tyler)/Parcel Number 124-18-001D

DATE: December 26, 2008

This special use permit is requested to allow for educational services on a 10-acre portion of a larger 90-acre property. A 1,740 square foot modular classroom building is proposed for very small class sizes. Future uses include two residential units, a guesthouse, small agricultural uses and a storage building. The site plan indicates the use of a gravel parking lot with 18 parking spaces – two of which would be handicapped spaces.

The use indicated would have a minimal trip generation; although it appears that the future activities may increase the number of users on an intermittent basis. The type of use is typical of a private school/training center with a residential component. Average trip rates for this proposed classroom special use permit are estimated to range between 11 and 25 trips per day with most trips occurring during off-peak hours.

The site is served by State Highway 80, and then to N. Sunshine Lane to W. Hollyhock Lane; both of which are 50 foot public easements but are not county-maintained. The parcel is then accessible via a 50 by 660.996 foot private ingress/egress easement owned and maintained by the Applicant.

ADOT provided the following comments via e-mail on December 22, 2008: Based on the Applicants proposal, the small student enrollment for this Educational/Missionary Service will generate minimal traffic during off-peak times (weekends, 2-days) of the week. The limited trip generation is not expected to have an adverse effect on the operational characteristics of SR 80. The site is located on an existing street 1/2 mile from the intersection with SR 80 and will not directly access SR 80. The apron to SR 80 has been improved at the intersection. No further comments from Regional Traffic will be needed at this time.

Recommendations

We have no objection to granting this special use permit. Applicants should maintain the private easement in passable condition and provide appropriate gravel and/or cement surfaces for parking lot spaces. Future uses may warrant improvements to the driveway and access roads; however, until permits are requested that exceed the current proposal and trip generation estimates no further transportation-related improvements are deemed necessary.

cc: Docket SU-09-01, ADOT

C
61

ATTN: PROPERTY OWNER:

You are invited to submit comments on our request to change the use of our property

Project Location:

Mrs. Diane Johnson (owner) owns a large parcel of land located on the corner of Sunshine Lane and Hollyhock Rd. She is allowing us to use the front 10 acres of land with access to the main dirt road which leads to hwy 80. Traffic will enter and exit from Sunshine lane to hwy 80. Noise level will be very minimum if any at all since classes will be held inside the building.

Project Description

Medical ministry or Health center: (Non Profit)

1. Provide instruction for a 21 day detox program promoting health and diet.
2. To provide a small agricultural/garden field where persons and trainers alike can be taught how to work the ground and through this process maintain a healthy state and provide food for themselves in their own homes. Nothing is to be sold for profit, and will only be for the sustainability of the center and for training purposes.
3. To promote a vegan/vegetarian diet to those seeking a better way of life. Raw organic foods grown locally become pivotal to our message.
4. To educate individuals on the importance of diet, exercise and water intake in order to prevent common diseases such as cancer, diabetes, heart issues, cholesterol etc.
5. Individuals will come once or twice a month and stay for the weekend and learn healthy eating and living habits.
6. Training missionaries on going abroad and teaching these habits and also evangelism topics.
7. Expected persons at a time: no more than 10.
8. A 1600 square foot modular office building will be used for training purposes.

We would be very happy to meet with you. Please let us know if you would like for us to arrange a meeting. Your input is important to us. We look forward to hearing from you.

To make sure your questions are answered:

-Submit written comments to: Ann Tyler, 3141 W. Avenida Isabel Tucson AZ 85746

-Email to: mrsatyler@gmail.com or call 520-870-9123; 520-908-6560 (fax) to talk to a representative.

Thank you!

Soon to be: Healthy Living Ministries Benson Chapter- (GNDI) Non profit Corp.

Citizen Review Report concerning parcel # 124-18-001D 8

On 11-21-08, I, Ann Tyler received a phone call from Mr. Jason Tyler who is the owner of the property located next to Mrs. Diane Johnson's property north of Hollyhock Lane. Mr. Tyler had some questions regarding the amount of traffic that we are expecting of the project; he was also wondering if anyone was going to be crossing through his land to access the property. I assured Mr. Tyler that no one would be crossing through his land, since there is access to Mrs. Diane Johnson's property through Hollyhock lane and then through a small dirt road which are both deemed public roadways. I also assured Mr. Tyler that the traffic would be minimal since it is going to be a small project only allowing a minimal amount of persons to be receiving training through the weekend, one weekend a month and later perhaps twice a month. Mr. Tyler stated that he just wanted to clarify this and was satisfied with the answer.

On 11-24-08, I, Ann Tyler Received a phone call from Mr. Kartchner whom is a property owner within 1500 feet of the parcel number 124-18-001D 8, with some questions as to the road that we will be using which is Sunshine Rd, to Hollyhock lane, to a small un-named Road which leads to the property. Mr. Kartchner wanted to know if any of these roads were private and who would be maintaining them. I informed him that I did not know if these roads were public or private, but that I would investigate the matter. I proceeded to call the County Highways Department and spoke to Pam. She was very helpful and informed me that the roads leading to the property are Public Roadways, not maintained by anyone, which means that they are to be used by the public. I attempted to reach Mr. Kartchner over the phone to inform him but was unable to. I will be attempting to inform him via phone again and also via mail.

These two phone calls were the only ones I received, I received no correspondence, fax, or emails on the matter. I mailed the letters on 11-7-08, I allowed 2 weeks to pass which did indeed pass as of 11-21-08.

FAX

TO: Kieth Dennis, Planner

FROM:

Donna Hall and family

FAX: 520 432-9278

FAX:

None Available

INCLUDING:
6 Pages

PHONE:

SUBJECT: Docket SU-09-01

DATE:

February 2, 2009

COMMENTS: Dear Mr. Dennis,

As owners of three parcels on Sunshine Lane, Saint David, Arizona. My family, have already sent the attached letter to Moses Tyler and Diane Johnson, in response to the first correspondence we received, dated 11/8/08, per instructions on that material.

We did not know that you should have received a copy as well, and would like you to review the attached and include a copy to each of the committee members, for their review, prior to the town meeting February 11, 2009.

As you will see, we are against the "Special Use Permit", and want our grievances heard.

Sincerely,

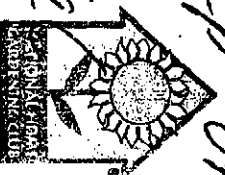
Diane Johnson

EE

Donna Hall
1495 N. Sunshine Ln.
Saint David, AZ 85630

Dear Moses Tyler and Diane Johnson
Thank-you for your correspondence
Received 11-8-08 Regarding proposed
use of the front 10 acres with
suggested use of exit & entrance
from Sunshine Ln to Hwy. 80.

We the undersigned vehemently
oppose the use of Sunshine Ln
for commercial use. We have
12 acres, refer to your map,
with an easement for Sunshine
Ln that the Stevens, Hall's & ms.
needed it have with our family
paying taxes and up keep of
said easement. This
year is Rural. A commercial
zone based industry was denied (over)



LIFE MEMBER

This year further down Sunshine
for several Reasons.

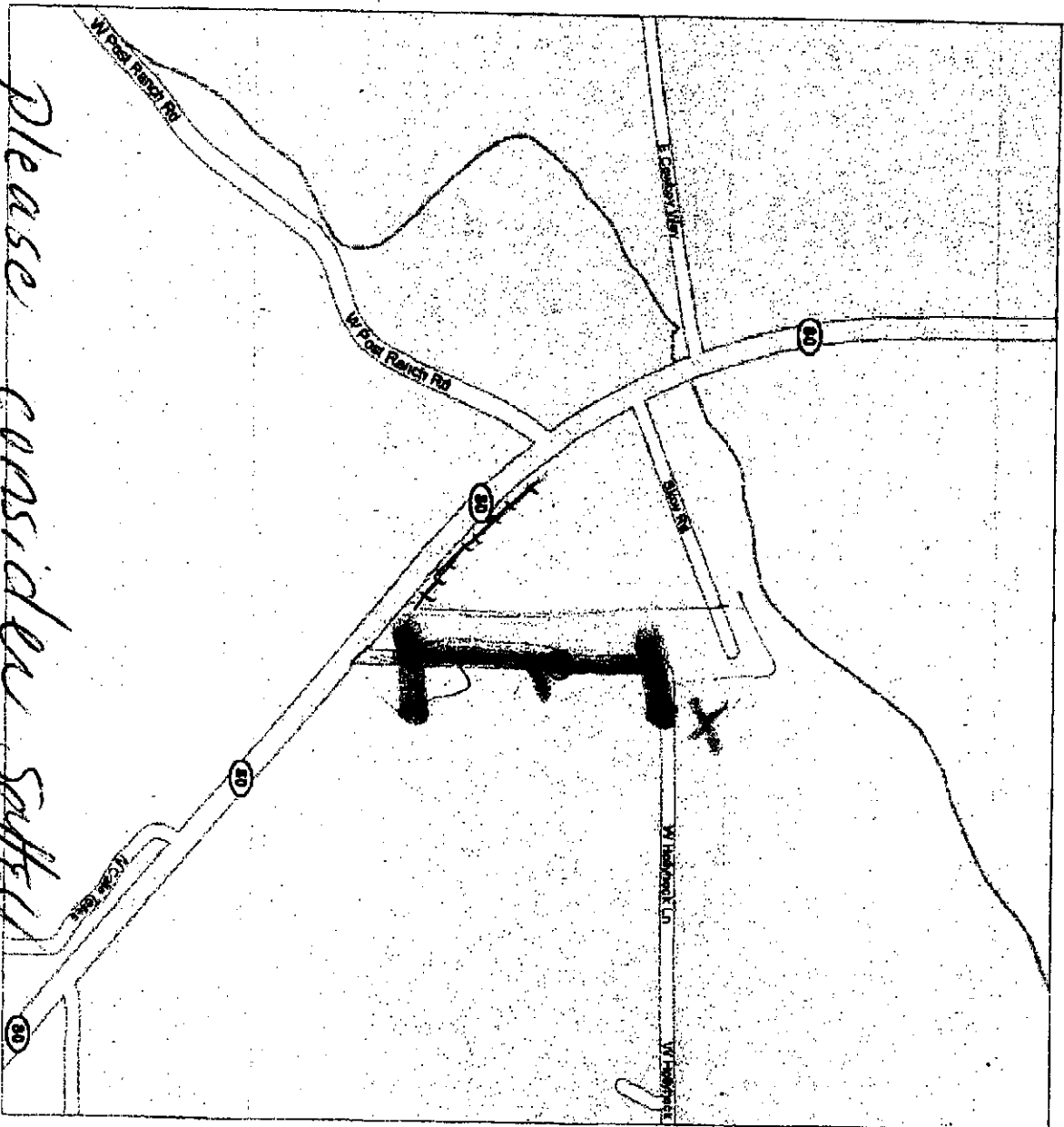
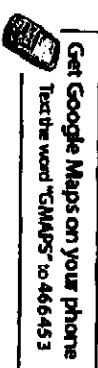
If you have any Questions
to our intert please Reply in
writing.

Thank- you!

Don & Marilyn Stevens
Mr + Mrs D. Hall
Jethy D. Meredith

sunshine lane benson az - Google Maps

Page 1 of 1

Google
MapsAddress N Sunshine Ln
AZ 85630

Please consider safety

*issues re: entering & exiting
on hwy 80 - Danger due to "*

*placement of passing lane
Not to mention excess dust!*

69

E

Montana, Susana

B-48

From: Valenzuela, Julianna
Sent: Thursday, November 13, 2008 4:14 PM
To: Dennis, Keith; Montana, Susana; Turk, Mike
Subject: FW: Medical Ministry of Health Center

Maybe one of you guys can help me out on this.

From: Victor Turner [mailto:forwheel@embarqmail.com]
Posted At: Thursday, November 13, 2008 12:35 PM
Posted To: Planning and Zoning
Conversation: Medical Ministry of Health Center
Subject: Medical Ministry of Health Center

To Whom It May Concern,

My name is Victor Turner and I am writing this E-mail as a result of a letter I received from Mrs. Ann Tyler. Mrs. Tyler is proposing to utilize 10 acres currently owned by Mrs. Diane Johnson on the corner of Hollyhock Lane and Sunshine Lane for a 1600 sq. ft. modular office building and an agricultural garden/field. Mrs. Tyler has stated that the office building and the agricultural garden/field will be used for some sort of dietary detox center and as a training facility for missionaries.

I wrote an E-mail to Mrs. Tyler and requested information concerning the following issues:

1. Was the property currently zoned for this project.
2. Have studies been conducted on the impact to the water table in the area.
3. More information on the detox program (who is being detoxed and what are they being detoxed from).
4. How this detox center will affect property values in the area.

As of the date and time of this E-mail, I have not received a response from Mrs. Tyler.

My wife and I currently own 10 acres on Hollyhock Lane. We have already drilled our well on the property and are planning on retiring on the property within the next three years. As you can see, we have concerns regarding Mrs. Tyler's proposal. We do not want to live next to this "detox" center until it can be proved to us that we will not be negatively impacted in any way. We also have concerns that if this project is allowed to proceed and becomes established, that in the future it will not be allowed to expand and create even greater negative impacts to us.

If you have any additional information concerning this matter I would greatly appreciate it if you could provide it to me. I would also like to know if any public meetings concerning this project have been scheduled.

Thank you for your consideration on this matter.

Sincerely,

Victor R. Turner

11/13/2008

70 E

SPECIAL USE: Docket SU-09-01 (Tyler)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I do not want this facility anywhere near my property and cannot be held for nothing and that community type living and spreading someone else's house about half the size attached letter - vote NO!! - please

(Attach additional sheets, if necessary)

PRINT NAME(S):

Walter C. Davis

Richard Dean

SIGNATURE(S):

Walter C. Davis

Richard Dean

YOUR TAX PARCEL NUMBER: 124V8001M (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS: US 10. Hwy 80 St David, AZ. 85630

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on February 1, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

SPECIAL USE: Docket SU-09-01 (Tyler)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

~~NO, I DO NOT SUPPORT THIS REQUEST:~~

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Richard H. Orsini

Wanda C. Henry

SIGNATURE(S):

Richard H. Orsini

Wanda C. Henry

YOUR TAX PARCEL NUMBER: 2418001M (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS: 108 N. HAWK RD. TOWSON, AZ. 85630

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on January 5, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

Sun 2, 2009

Dear Sir -

Re Doberet SU-09-01

I am extremely opposed to this S.U. report. To me it smells of a cut-a-Ten-Tone-Some-Other type of living. I feel that my neighborhood does not need this type of facility.

I own a house with 60 head of gentle cattle that I will very hard to maintain that way - I also depend on them. Well my income I don't get raise the possibility of gunfire and loose dogs would be an added stress. I don't see creation disruptive to my needs.

If these people want a commercial type living, they can go to the neighborhood in St. David.

Please keep these people, their buildings and dogs away from my property by a physical etc -

James C. Davis
210418001 N 8

Mr. Dennis,

Mr. Keith,

We are opposed to granting the special use permit, Docket SU-09-01 (Tyler) for the following reasons:

1. The correspondence sent to us by the Tylers stated that a "1600 foot modular office building will be used for training purposes." They failed to mention that two principal residences, a guest house, and storage building would also be constructed. They also stated that "individuals will come once or twice a month and stay for the weekend". I find it hard to believe that the property is going to be occupied once or twice a month when two principal residences and a guest house are being constructed. It appears that the Tylers have been less than honest with the property owners in the area, in regards as to what they plan on constructing and how they plan on using the property. Their actions also raise questions about other plans that they may have for the future that they have neglected to inform the property owners in the area about.
2. We have concerns that the Tyler's plans will create a larger than normal amount of traffic on Sunshine Lane, thus creating more that the usual amount of dust in the air, and that they have not stated that they have a plan to help mitigate the excess dust.
3. We also feel that by constructing two principal residences, a guest house, and a small farm, a greater than average use of water will result. This could have negative impacts to the current property owners in the future.
4. We have concerns about who are the individuals being "trained". I wrote to Ann Tyler asking for more information concerning her training center, anticipated water usage, dust mitigation, and possible property value impact, but she did not respond to my questions.
5. We have concerns that property values will be negatively affected by the construction of this "training facility".

In conclusion, we feel that until the concerns listed above have been address and that an environmental impact study has been performed, this project should not be allowed to proceed.

Sincerely,

Vic and Sharon Turner

F 74

SPECIAL USE: Docket SU-09-01 (Tyler)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

213 ATTACHED SHEET.

(Attach additional sheets, if necessary)

PRINT NAME(S):

VICTOR R. TURBER

SARAH D. TURBER

SIGNATURE(S):

Victor R. Turber

Sarah D. Turber

YOUR TAX PARCEL NUMBER: 124-21-006B-3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 4889 NEVADO DRIVE, LAS VEGAS, NV 89121

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on January 5, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

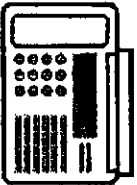
RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

F 75

F A X

Includes: 5 pages



To: Kieth Dennis

Fax number: 520-432-9278

From: Mr. & Mrs. Thomas Paul

Fax number: None Available

Date: 1/28/2009

Re:

Docket SU-09-01 "Neighborhood Petition"

Phone number for follow-up:
520-586-2823**Comments:****Dear Mr. Dennis,**

Per your request we have included a copy of our neighborhood "Petition" against the above-referenced Docket SU-09-01, re-scheduled for a Public Zoning Hearing February 11, 2009.

Petition

To: Mr. Lee Basnar, Vice-Chairman
Cochise County Planning and Zoning Commission
1415 Melody Lane, Bldg. G
Bisbee, Arizona

From: Neighborhood Residents against proposed Zone Change
affecting Sunshine Lane, Hollyhock, Star Light Way and Larkspur
Lane, Saint David, Arizona

Re: Public Zoning Hearing
2-11-09 4:P.M.
Docket SU-09-01
Anna & Moses Tyler

With regard to the above referred, we the undersigned object to the rezoning and special use permit on any portion of the 90 acre parcel, as requested by the applicants.

Justification for Objection:

1. Property in our area is currently zoned RU4, i.e.; one family resident per 4 acres.
2. A. Traffic: The entrance and exit from highway 80 to Sunshine Lane is extremely dangerous. Any additional usage of this road would create increased traffic, therefore, cause more congestion in the area for the residents.
2. B. All our roads are primitive, have washes, dips, and are subject to flooding, and dust. Portions of the roads are so narrow that it is necessary for drivers to partially pull off to their respective side of the road in order to pass.
2. C. Any increase in traffic will only enhance the hazard to pedestrians, such as School Children, residents and domestic animals.

2. D. Roads are marginally maintained, only by benevolent residents, using their own individual equipment

In Conclusion:

1. It is evident, as residents of this area, we want to keep our privacy and prevent any complexes and industrial growth from developing in our neighborhood.

Respectfully submitted:

1. Robert E. Long Robert E. Long
2271 LARKSPAWN - SIDAVID, AZ
 Printed name Physical address Phone number Signature Date 502-445-777 1/11/09

2. THOMAS PAUL 2381 W. LARKSPUR LN, ST. DAVID, AZ
Thomas Paul
 Printed name Physical address Phone number Signature Date 502-5862823 1/12/09 85630

3. Mrs Mrs Jimmy R. Riddle 2349 Judyway
David David, Az. 85630
 Printed name Physical address Phone number Signature Date

4. Mrs & Mrs Craig L. Juhl P.O. Box 1857 Benson, AZ
Craig Juhl Craig Juhl
 Printed name Physical address Phone number Signature Date 11-13-08 040115, AZ 8563

5. Liz Kochensperger 1350 N. Dog Ranch
500 586 1857
 Printed name Physical address Phone number Signature Date 1-13-09 ST David AZ 85630

6. DON & STEVEN S PO BOX 434 SMT
586 2202 1535 N. SUNSHINE, ST. DAVID, AZ
 Printed name Physical address Phone number Signature Date

7. Dennis & Dylla 1495 N. Sunshine Rd
ST David
 Printed name Physical address Phone number Signature Date

8. Lori Allen 242311 Hollywood Ln David Allen Jan 13 09
 Printed name Physical address Phone number Signature Date

9. Sharon M. William 580-586-4564

PO Box 385 St. David, AZ 85630 HOLLYHOCK LN.
Printed name Physical address Phone number Signature Date

10. Teresa Curtis 520-586-3617

P.O. Box 783, St. David AZ 85630 HOLLYHOCK LN
Printed name Physical address Phone number Signature Date
Phone number provided for verification purposes

11. Jason R Taylor 520 586 8850

2626 W. Hollyhock Ln. St. David AZ 85630
Printed name Physical address Phone number Signature Date

12. ~~Teresa Curtis~~ (Kevin T. Taylor) 586-9042

1431 N. Sunrise Ln
Printed name Physical address Phone number Signature Date

13. Kim Patterson 586-8526

2173 W. Lakeside Ln Saint David, AZ 85630
Printed name Physical address Phone number Signature Date

14. David Patterson

2173 W. Lakeside Ln, Saint David, AZ 85630
Printed name Physical address Phone number Signature Date

15. Elmer L. Rice 2255 Lakeside Ln St David, Ariz

Printed name Physical address Phone number Signature Date
16. Mark & Wilma J. Wathen 2275 Hollyhock Lane

Printed name Physical address Phone number Signature Date

17. Mark & Wilma J. Wathen 2385 W. Hollyhock

Printed name Physical address Phone number Signature Date

18. Sharon Curtis 1454 N. Starlight Way

Printed name Physical address Phone number Signature Date

19.

Darson Hareis 1452 N. Star Light Way
St. David 85630

Printed name Physical address Phone number Signature Date

20.

Robert 1405 Phylloxera

8561046

Printed name Physical address Phone number Signature Date
Phone number provided for verification purposes

21.

Printed name Physical address Phone number Signature Date

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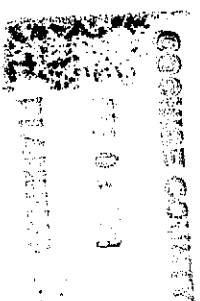
To: Keith Dennis

From: Melissa Baker

Date: February 3, 2009

No. of Pages: 3, including Cover

Re: School of Evangelism and
Healthy Living Signatures



Benson School Of Evangelism and Healthy Living

Petition in Favor of the Project

Dated this 31 of January 2009

We hereby are in Favor and Support the purpose and implementation of a center in which members of the community can learn healthy eating habits and ways to reach out through missionary services in communities throughout our country and other countries as well.

NAME

ADDRESS

PHONE

1. Helena Box 941 Finbstone AZ N/A
2. Shirley & Eugene W. Box 15 Benson AZ 586-2575
3. Benson Denny 679 N. Marshall Benson AZ 586-3742
4. Donette Reliance PO Box 801 Benson 85602 N/A
5. David & Sherry ST David, AZ 85630
6. Earl & Mary Ann 4441 E Benson AZ 85602
7. Janet & Ellen 1070 S Church Rd, Gilbert AZ (520-384-3117)
8. Therese Cylen, Box 385, Nogales, AZ 85609 (586-9058)
9. William & Jean PO Box 225 Pecos, AZ 85609 586-2592
10. William & Jean PO Box 989 Wenden, AZ 85611 520-378-2539
11. Paul & Mary 3301 E Church Rd, AZ 85605 520-249-2345
12. Symie Baker 611 E Camino Dolan, HC 85606
13. Larry & Deborah 503 W Duane St, Benson AZ 85602
14. Felicia Thomas 311 Highway Blvd 85616 AZ 520-678-9569
15. Dona Baker 611 E Camino Dolan, HC, AZ 85614 586-452-8386
16. ~~Donna Baker~~ (520) 220
17. Eric Baker 600 Charles Dr. Sierra Vista, AZ 85635 7351
18. Joy Reynolds 3124 W Terrace Dr Benson, AZ 85602 586-7395
19. Alan Reynolds 3124 W Terrace Dr Benson, AZ 85602 586-7395
20. Donna Baker

NAME	ADDRESS	PHONE
21. Jack Burke	411 E. CALIFORNIA ST.	504-452-3833
22. Melinda Baker	"	"
23. _____	_____	_____
24. _____	_____	_____
25. _____	_____	_____
26. _____	_____	_____
27. _____	_____	_____
28. _____	_____	_____
29. _____	_____	_____
30. _____	_____	_____
31. _____	_____	_____
32. _____	_____	_____
33. _____	_____	_____
34. _____	_____	_____
35. _____	_____	_____
36. _____	_____	_____

February 1, 2009

Dear Keith Dennis,

With this letter we would like to request a waiver of some of the requirements for the proposed project located at parcel #124-18-001D 8.

We would like to request a waiver of the required paved parking spaces; we would like to request permission to place gravel on the ground instead.

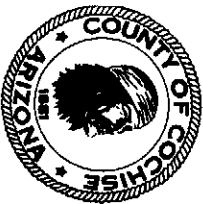
We would also like to request a waiver of the loading/unloading zone requirement since there will be no loading or unloading taking place.

We would like to request these two items due to financial hardships.

Thank you for your time.

Sincerely,


Ann Tyler
GNDI Ministries



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner
For: Susan Buchan, Planning Director
SUBJECT: Docket SU-08-20A (Inde)
DATE: January 29, 2009, for the February 11, 2009 Meeting

APPLICATION TO MODIFY A SPECIAL USE PERMIT

The Applicant seeks to modify an approved Special Use for Outdoor Recreation Facilities to add the use of an existing landing strip, pursuant to Section 607.14 of the Zoning Regulations. The airstrip is to be used only by members of the private automobile club approved by the Commission in November of 2008 and will not be open to the public.

The subject parcels (Parcel # 209-86-006B) is located at 9301 W Airport Rd., approximately eight miles West of Willcox, AZ. The Applicant is Barry Ellis of Inde Motorsports Ranch, (formerly Orcas Triad III).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: The entire project site is comprised of several parcels totaling approximately 740 acres; the parcel on which the Modification is requested is approximately 460 acres.

Zoning: RU-4 – Rural, one dwelling per four acres

Growth Area: Category D – Rural Growth Area

Plan Designation: Rural

Area Plan: None Applicable

Existing Uses: Private automobile club with homes and accessory structures

Proposed Uses: Same, but with addition of existing airstrip to the approved Special Use.

Surrounding Zoning

Relation to Subject Parcel		Zoning District	Use of Property
North		RU-4	Agriculture (Ranch land)
South		RU-4	Arizona State Land
East		RU-4	Agriculture (Ranch land)
West		RU-4	Arizona State Land

II. PARCEL HISTORY

The property had been in use as ranch land for generations. The Earnhardt family owned and operated the ranch for approximately 20 years. The ranch also leases acreage from the adjacent State Lands. The Applicant intends to continue the leases of neighboring State Lands, primarily for future equestrian uses associated with the auto club.

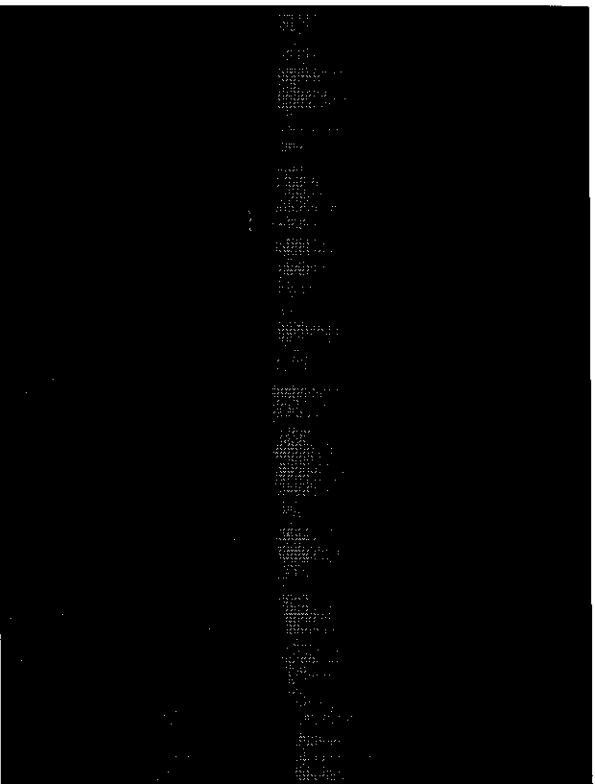
1997 – Residential Permit for manufactured home and septic system.

November 2008 – The Planning and Zoning Commission approved Docket SU-08-20, which allowed the Applicant to seek a use permit for a 2.5-mile long "touring track" for a private automobile club. Following the Commission action, the Applicant proceeded to purchase the ranch from the previous owner.

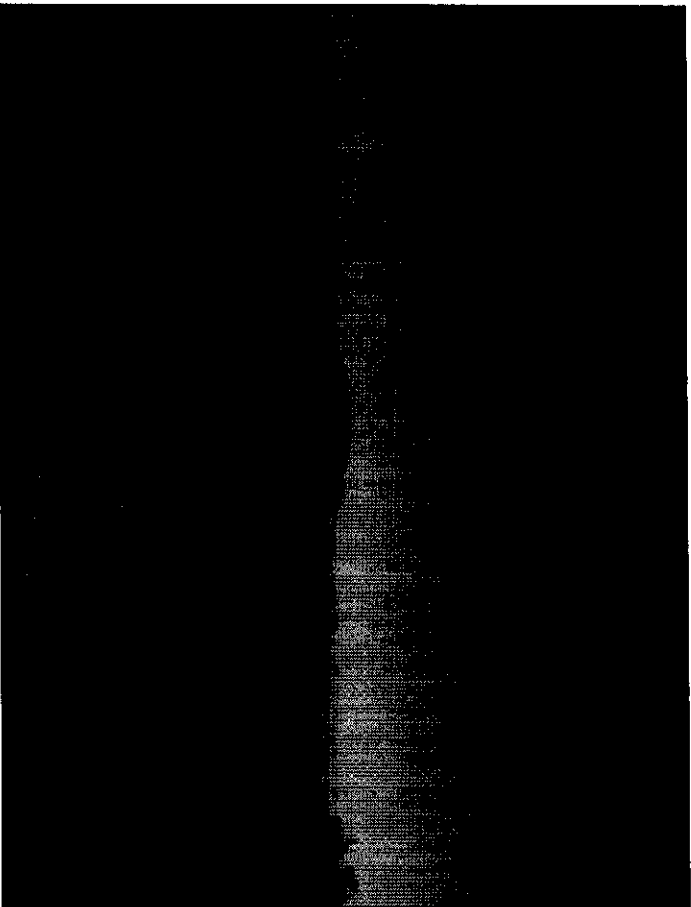
III. PROJECT DESCRIPTION

The Applicant received Commission approval to proceed with a Special Use Permit for Outdoor Recreation in November of 2008. At that time, the Applicant did not own the property, and intended to purchase the property only after securing approval from the Commission. The airstrip on the property was considered accessory to the XLA Ranch use. Once the new owner obtains the necessary use and building permits, however, the use of the property will change from Agriculture to Outdoor Recreation, which will eliminate the accessory status of the airstrip. At the November 2008 hearing, staff informed the Commission that the Applicant would apply for a Modification to the Special Use once the property changed hands.

The dirt airstrip is 80 feet wide and 3,800 feet in length, runs the length of the Southernmost property line of the subject parcel. The intent is to pave the runway and taxiway (approximately 200 feet), and to divert runoff into irrigation ponds on the property.



Looking West at the existing airstrip. The airstrip currently extends 800 feet West onto neighboring State Lands, and is to be fenced off to prevent aircraft from entering State Lands. The white rocks on the left are approximately 500 feet from the Western property line.



Eastward view of the airstrip.

IV. ANALYSIS OF IMPACTS (SUBJECT TO CONDITIONS #2 - 6)

Staff anticipates off-site impacts associated with takeoff and landing of aircraft will be limited to aircraft noise; paving the runway will minimize dust impacts. In order to ensure safety, and to limit noise impacts to daytime hours, staff recommends, as condition of approval #2, that the Applicant limit use of the landing strip to daytime hours, under Visual Flight Rule (VFR) conditions only. Staff also recommends, as condition of approval #3, that aircraft must maintain an altitude of at least 500 feet above ground level (AGL) when passing over any homes in the area to minimize disturbance and noise impacts to neighboring property owners. This does not apply to takeoffs and landings.

Off-site impacts associated with the paving of the runway would include water runoff and possible erosion. The direction of flow on the property is to the Southeast onto State Lands; a wash is located immediately East and Southeast of the landing strip.

As part of the initial SUP, the Applicant is required to obtain a land clearing permit for the touring track, which requires an accompanying drainage study. The drainage study will include recommendations to mitigate off-site impacts associated with stormwater runoff, erosion, and dust. The Applicant has hired professionals to begin this work, and the resulting report will include strategies to mitigate off-site impacts from the runway as well. Specifically, the Highway and Floodplain Department requests that the drainage report include:

- A. A quantity of the increase in runoff from the dirt airstrip to a paved one (actual dimensions);

- B. Recommendations as to how the increased runoff will be managed so as not to have adverse impacts on downstream property (adverse impacts increased runoff amounts and/or increased velocities);
- C. Indications of how the drainage currently gets from the North side of the runway to the South, and whether this will change due to the paving project; and
- D. An opportunity for State Lands to review the drainage study.

Staff recommends, as condition of approval #4, that the Applicant address these issues in the forthcoming drainage study.

The airstrip is not shown on the FAA Sectional Chart for this region. Staff recommends, as condition of approval #5, that the Applicant complete FAA Form 7480-1 and satisfy all FAA requirements for the landing area, prior to operation.

The existing airstrip encroaches approximately 800 feet onto the State Lands tract immediately West of the project site. Per the Arizona State Lands Department, the existing leases held by the XIA Ranch do not include the use of State Lands for aviation uses. The Applicant has indicated that they do not intend to use any part of State Lands for the landing strip. Staff recommends, as condition of approval #6, that prior to operation the Applicant shall fence off the Western property boundary with State Lands, to ensure that aircraft do not encroach upon the nearby State Lands tract.

V. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria with which to evaluate Special Use applications. These are considered factors in determining whether or not to approve a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Seven of the 10 criteria apply to this request. The project complies with six criteria as submitted.

A. Compliance with Duly Adopted Plans: Complies

The project site is not within the boundary of any area plan. However, the project would comply with the intent for the Comprehensive Plan Category D Growth Area, which states that projects not appropriate for more densely populated areas may be appropriate for these categories. The site lies within a remote, rural area of the County.

B. Compliance with the Zoning District Purpose Statement: Complies

The project would conform to the purpose statement as provided in Article 6 of the Zoning Regulations, in that it is a Special Use that may not be suited to more densely populated areas.

C. Development Along Major Streets: Not Applicable

D. Traffic Circulation Factors: Complies

Airport Road is a "primitive" County-maintained dirt road serving rural residential lots and ranching activities in the area.

The proposed land use would not conflict with the function of Airport Road, nor would it result in non-residential through-traffic on residential streets. Moreover, allowing access to the property by aircraft would further minimize traffic along Airport Road.

E. Adequate Services and Infrastructure: Complies (Subject to Condition #7)

The County Building Official offered the following comments concerning the addition of an airstrip land use to the property:

As an "Aircraft Operation Area" this proposed modified Special Use at the property would need to comply fully with all requirements contained in our County adopted 2003 International Fire Code that pertain specifically to their proposed use. Fire Code sections that would typically apply to their proposed Use are Section 1103 - General Precautions and Section 1105 - Portable Fire Extinguishers. These sections address items of concern such as sources of ignition, smoking, housekeeping, Fire Department access, dispensing of flammable and combustible liquids, combustible and hazardous material storage and the requirements for portable fire extinguishers.

Staff recommends, as condition of approval #7, that the Applicant demonstrate compliance with all applicable provisions of the 2003 International Fire Code, prior to operation of the Special Use.

Staff further recommends, as condition of approval #8, that no repair or maintenance of aircraft will take place on the property, except as required in an emergency.

F. Significant Site Development Standards: Does Not Comply (See Requested Modifications)

The setback for Special Uses in an RU District is 40 feet. The existing runway is situated within five feet of the Southern, Eastern and Western property lines. The Applicant has requested that the Commission grant a modification to Section 604.03, in order to accommodate the airstrip in its current location.

G. Public Input: Complies

The Applicant completed the required Citizen Review process prior to submitting the application. Staff published the required legal notices. While the Department has received occasional phone inquiries about the project, staff has received no comments in favor or against the requested Special Use.

H. Hazardous Materials: Not Applicable

Per the Applicant, no fueling, repair or maintenance of aircraft is to take place on the property.

I. Off-site Impacts: Complies (See Conditions #2 - 6)

As discussed in Section IV, above, recommended approval conditions 2 - 6 would mitigate off-site noise impacts which may be generated by the Special Use. The drainage study accompanying the land clearing permit (for the touring track) will address any off-site impacts associated with stormwater runoff and erosion from both the track and the airstrip (Condition #4).

J. Water Conservation: Not Applicable

The project is not a major development, and is anticipated to use little water. Irrigation of future landscaping, watering for the small number of cattle and horses to be kept on the property, and other non-potable water needs are to be satisfied in part through the use of on-site detention ponds. Additionally, water use on the property may decline as the property shifts from agricultural to outdoor recreational use.

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on January 23, 2009 and published a legal notice in the *Sierra Vista Herald* and the *Arizona Range News* on January 22, 2009. To date, the Department has received no letters of support or opposition to the Special Use request.

VII. SUMMARY AND CONCLUSION**Factors in Favor of Modifying the Special Use**

1. The project would attract visitors to Cochise County, particularly to Willcox and Benson, the communities nearest the project site.
2. The project site is in a remote area, and is anticipated to generate minimal off-site impacts.
3. Allowing the property to be accessed by air would further reduce traffic along Airport Road, which is a primitive road.
4. The project complies with six of the seven applicable Special Use factors.

Factors Against Approval

1. While the project is anticipated to generate minimal off-site impacts, there is one neighbor approximately one-half mile East of the project site that may experience noise impacts.
2. The airstrip is located along the South, East and West property lines, abutting State Lands and does not meet the required 40-foot setback for Special Uses in a Rural District.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use Modification request, with the following conditions:

1. Within thirty (30) days of approval of the Special Use Modification, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Modified Special Use, the Applicant shall submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval and with Section 1705 of the Zoning Regulations, and meeting all site development standards, the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the special use approval, otherwise the Special Use Modification may be deemed void upon 30-day notification to the Applicant.
2. The airstrip shall be used only during Visual Flight Rule (VFR) conditions in daytime hours.
3. All aircraft must maintain an altitude of at least 500 feet above ground level (AGL) when passing over any homes in the area to minimize disturbance and noise impacts to neighboring property owners. This does not apply to takeoffs and landings.
4. Prior to issuance of a building permit, the Applicant shall address the following Highway and Floodplain Department comments in the required drainage study:
 - A. A quantity of the increase in runoff from the dirt airstrip to a paved one (actual dimensions);
 - B. Recommendations as to how the increased runoff will be managed so as not to have adverse impacts on downstream property (adverse impacts increased runoff amounts and/or increased velocities);
 - C. Indications of how the drainage currently gets from the North side of the runway to the South, and whether this will change due to the paving project; and
 - D. State Lands shall have an opportunity to review the drainage study.
5. Prior to operation of the airstrip, the Applicant shall complete FAA Form 7480-1 and satisfy all FAA requirements for the landing area.
6. Prior to operation, the Applicant shall construct a fence along the Western property line, in order to keep aircraft from encroaching upon the neighboring State Lands.
7. The Applicant shall demonstrate compliance with all applicable provisions of the 2003 International Fire Code, prior to operation of the modified Special Use.
8. Aircraft repair and maintenance shall be prohibited, except as required during an emergency.
9. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

10. Any further changes to the approved Special Use Modification shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

IX. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

Because the existing airstrip is situated within five feet of the Southern, Eastern and Western property lines, the Applicant requests a modification to Section 604.03, which requires that Special Uses in an RU District be set back no less than 40 feet from all property lines.

X. ATTACHMENTS

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Site/Concept Plan
- D. Citizen Review Packet
- E. State Lands Comments
- F. Requested Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
FAX 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 209-86-006-B, 022-8, 024-4, 025-1, 026-0, 027-3, 028-6, 029-9

APPLICANT: Inde Motorsports Ranch

MAILING ADDRESS: 1511 N. Mesa Dr Lower Tucson Az 85745

CONTACT TELEPHONE NUMBER: 520-270-7145

PROPERTY OWNER (IF OTHER THAN APPLICANT): A

ADDRESS: _____

DATE SUBMITTED: 12-23-08

Special Use Permit Public Hearing Fee (if applicable)
Building/Use Permit Fee
Total paid

300
\$ 4
\$ 300

\$ Check # 1165
\$ 300 Paid
PART ONE - REQUIRED SUBMITTALS

1. Coconino County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-Residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TLA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, standard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TLA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Ranch with graded dirt

runway

2. What is the proposed use or improvement? Pave the existing runway

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? landing small planes

Impact. They have all been using the runway for years

4. Describe all intermediate and final products/services that will be produced/offered/sold.

None

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

2 block house with wood, 2 steel beams, 2 manufactured homes all existing

6. Will the project be constructed/completed within one year or phased? One Year ✓
Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: N/A Hours (from N/A AM to N/A PM)

B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes

- C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

2 Cars a Couple times a week

(2) Total trucks (e.g., by type, number of wheels, or weight)

UPS, trucks with Trailers pulling cars

F-350, Ram 2500 & 3500, 2 axle Car Trailers

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

East on Airport Road

(4) If more than one direction, estimate the percentage that travel in each direction

East and West on Airport Rd. 50/50

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

N/A

- D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.
Estimated total gallons of water used: per day 360 per year 100,000
- E. Will you use a septic system? Yes X No If yes, is the septic tank system existing? Yes X No
Show the septic tank, leach field and 100% expansion area on the site plan.
- F. Does your parcel have permanent legal access*? Yes X No
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):

X private road or easement**
 County-maintained road
 State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached NA X

- H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>Well</u>	
Sewer/Septic	<u>Septic</u>	
Electricity	<u>Sulphur Springs Valley Electric</u>	
Natural Gas	<u>None</u>	
Telephone	<u>Qwest</u>	
Fire Protection	<u>Willcox Fire</u>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Landing Planes,

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No X If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____

3. Will any noise be produced that can be heard on neighboring properties? Yes X No ___ If yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? for 2 places handling per week

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X If yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ___ No X If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. _____

8. Do signs presently exist on the property? Yes ___ No X If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes No X

If yes, will storm water be directed into the public right-of-way? Yes No

Will washes be improved with culverts, bank protection, crossings or other means?

Yes No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Asphalt

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes No X If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

There are three ponds on site that water
naturally flows to they will stay as is,
Natural landscape not to be changed

2. How many acres will be cleared? 0
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

The runway is already graded and
used

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes ____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Borg Ellis

Date signed 12-20-08

*Service of Plans will not be done
on site*

Note: Site
Boundaries and
Distances are
approximate.

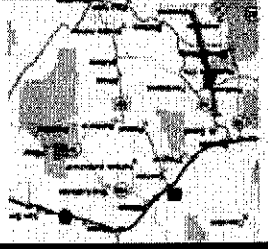
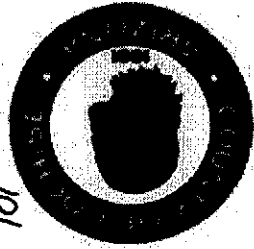
Site Boundary (740
Acres)

Track (proposed)
Airstrip (existing)

Benson (23 Miles)

I-10 (4.5 Miles)

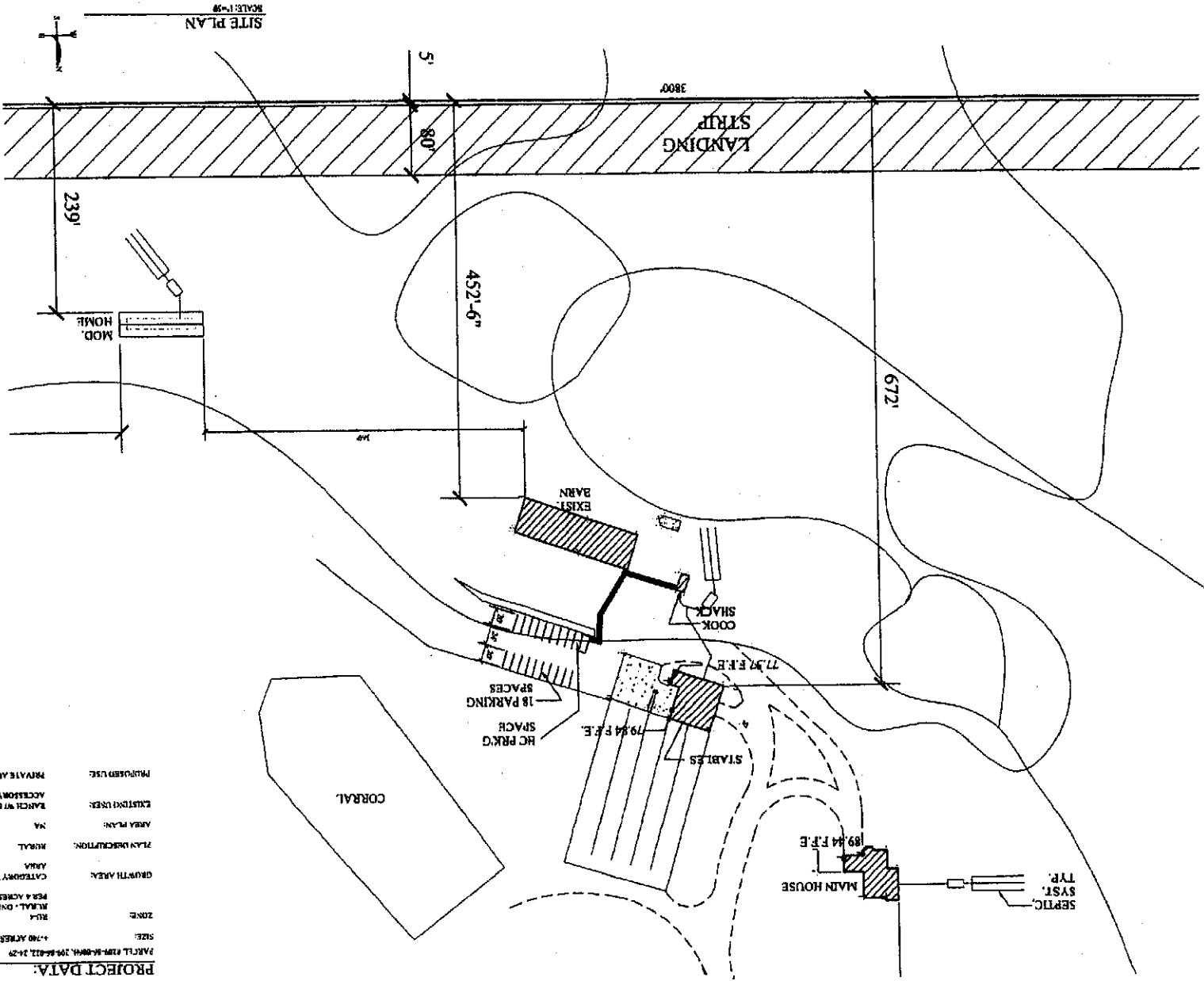
Willcox (7.5 Miles)



SU-08-20 (Triad)
Location Map

This map is a product of the
Cochise County GIS





PROJECT DATA:
 PARTIAL RFP-84-0004, 200-66-012, 24-29
 SIZE: +/- 100 ACRES
 ZONE: RUA
 RURAL - ONE DWELLING PER 4 ACRES
 CATEGORY D - RURAL GROWTH AREA
 PLAN DESCRIPTION: RURAL
 AREA PLAN: NA
 EXISTING USE: BARN WITH COOK HOUSE AND ACCESSORY STRUCTURES
 PROPOSED USE: PRIVATE AUTOMOBILE CLUB

INDE MOTORSPORTS
 9301 W. AIRPORT RD.
 WILCOX, ARIZONA
SITE PLAN

SP1

DATE: 10/2/84
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]
 SCALE: 1"=50'

INDE MOTORSPORTS
 9301 W. AIRPORT RD.
 WILCOX, ARIZONA
SITE PLAN

DATE: 10/2/84
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]
 SCALE: 1"=50'

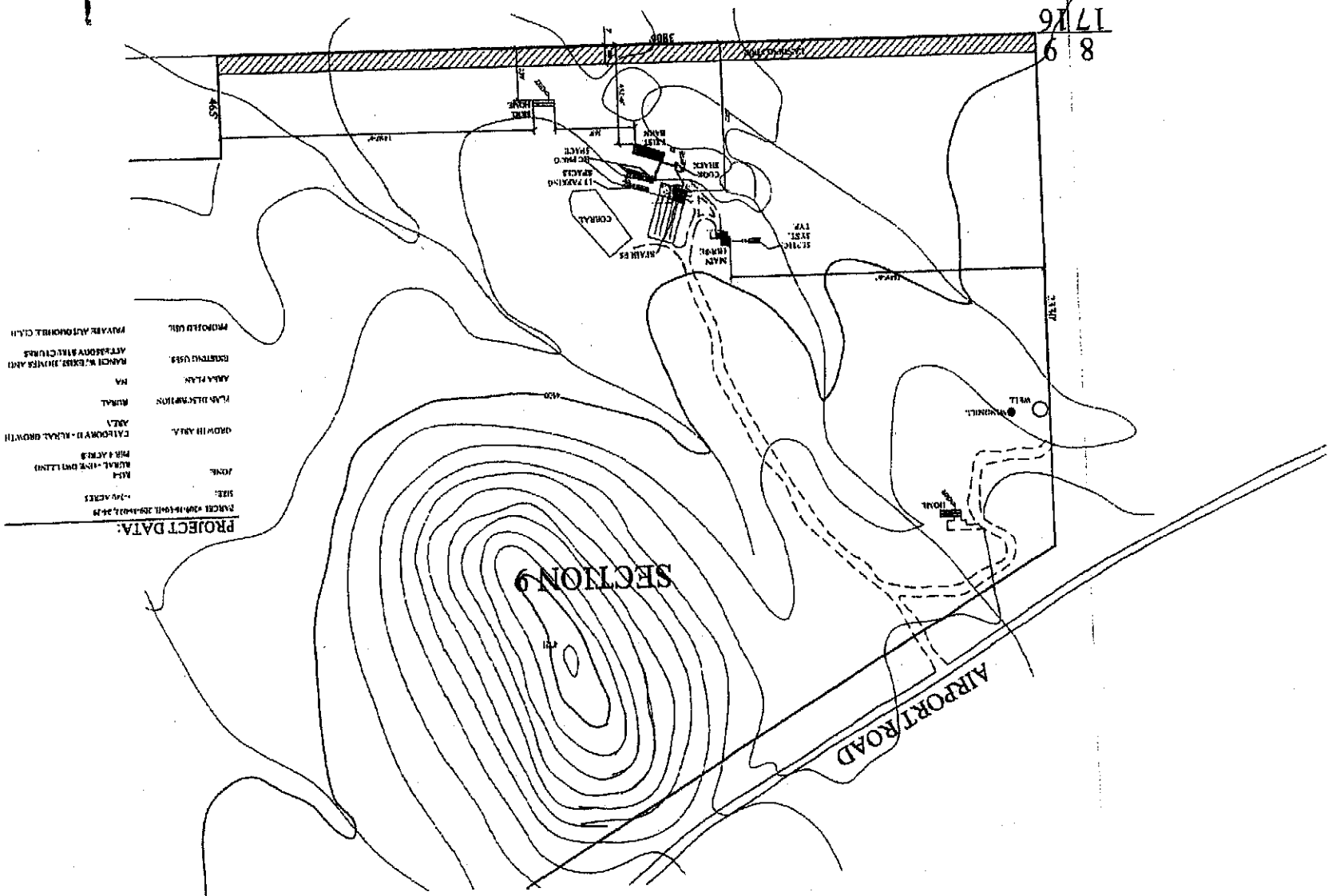
NEW YORK
JAN 10 1968

INDEXED MOTORSPORTS
9301 W. AIRPORT RD.
WILCOX, ARIZONA
DRAWING 1981L
SITE PLAN

CHASSIS: 1001
INDE MOTORSPORTS
9301 W. AIRPORT RD.
WILLCOX, ARIZONA

[illegible]

SITE PLAN

[illegible]

PROJECT DATA:

[illegible]

~~SECTION 6~~

Hello Neighbor
We are looking at purchasing the XIA Ranch. The XIA Ranch consists of 740 deeded acres and 960 state leased acres. We are required by the county to notify you of our plans as the new owners. The ranch has four neighbors plus the state land around it. We are filing for a use permit with Cochise County. The use permit would cover asphaltting the existing 4000ft. bladed runway. (we would keep the airport open to you as neighbors)
Along with the paved runway we would be paying some of the existing roads and adding a touring road that the owners could drive their classic and modern cars on. What we are looking for is a private facility which would allow us older car collectors to drive our cars on the touring road and enjoy the secluded ranch experience. Livestock including horses would remain on the property. Improving the barbeque pit and horse shoe pit is also on the list. There are structures located on the property now and with three wells that should be sufficient for all our water needs. It has been contemplated a central meeting lodge be built in the future. The impact on the property is minimal and it all falls within the RU-4 zoning guidelines. We would love to meet each one of you. If not we would love to talk to you on the phone and answer all your questions. We are asking for your help in securing this use permit. All that is required is your signature on this letter. We have enclosed a stamped return envelope for your convenience.

Sincerely,

Barry Ellis

Barry Ellis

Cell 520-270-7145

Home 520-743-3860

All Property Owners Signature(s)

Virginia L. Stemple

Date 9-9-2008

Fax- 520-743-3860

Email-gdorland@earthlink.net

1511 N. Plaza De Lirios

Tucson Az. 85745

Owner of Parcel ID #02 209-86-023 1 has no objection to
proposed use as described above.

Hello Neighbor

We are looking at purchasing the XIA Ranch. The XIA Ranch consists of 740 deeded acres and 960 state leased acres. We are required by the county to notify you of our plans as the new owners. The ranch has four neighbors plus the state land around it. We are filing for a use permit with Cochise County. The use permit would cover asphaltting the existing 4000ft. bladed runway. (we would keep the airport open to you as neighbors) Along with the paved runway we would be paving some of the existing roads and adding a touring road that the owners could drive their classic and modern cars on. What we are looking for is a private facility which would allow us older car collectors to drive our cars on the touring road and enjoy the secluded ranch experience. Livestock including horses would remain on the property. Improving the barbeque pit and horse shoe pit is also on the list. There are structures located on the property now and with three wells that should be sufficient for all our water needs. It has been contemplated a central meeting lodge be built in the future. The impact on the property is minimal and it all falls within the RU-4 zoning guidelines. We would love to meet each one of you. If not we would love to talk to you on the phone and answer all your questions. We are asking for your help in securing this use permit. All that is required is your signature on this letter. We have enclosed a stamped return envelope for your convenience.

Sincerely,

Barry Ellis *BE*

Barry Ellis

Cell 520-270-7145

Home 520-743-3860

All Property Owners Signature(s)

Alma Cross Ranch Inc and/or

Fred E. & Sylvia R Moore

Fred E Moore - Horse

Fred E Moore

Sylvia R Moore

Sylvia R Moore Secretary

Tucson Az. 85745

1511 N. Plaza De Lirios

Email-gdorland@earthlink.net

Fax- 520-743-3860

Date *9/7/08*

Hello Neighbor

We are looking at purchasing the XIA Ranch. The XIA Ranch consists of 740 deeded acres and 960 state leased acres. We are required by the county to notify you of our plans as the new owners. The ranch has four neighbors plus the state land around it. We are filing for a use permit with Cochise County. The use permit would cover asphaltting the existing 4000ft. bladed runway. (we would keep the airport open to you as neighbors) Along with the paved runway we would be paving some of the existing roads and adding a touring road that the owners could drive their classic and modern cars on. What we are looking for is a private facility which would allow us older car collectors to drive our cars on the touring road and enjoy the secluded ranch experience. Livestock including horses would remain on the property. Improving the barbeque pit and horse shoe pit is also on the list. There are structures located on the property now and with three wells that should be sufficient for all our water needs. It has been contemplated a central meeting lodge be built in the future. The impact on the property is minimal and it all falls within the RU-4 zoning guidelines. We would love to meet each one of you. If not we would love to talk to you on the phone and answer all your questions. We are asking for your help in securing this use permit. All that is required is your signature on this letter. We have enclosed a stamped return envelope for your convenience.

Sincerely,

Barry Ellis

Barry Ellis

Cell 520-270-7145

Home 520-743-3860

All Property Owners Signature(s) [Signature]

Date 9-15-08

Fax- 520-743-3860

Email-gdoorland@earthlink.net

1511 N. Plaza De Lirios

Tucson Az. 85745

Hello Neighbor

We are looking at purchasing the XIA Ranch. The XIA Ranch consists of 740 deeded acres and 960 state leased acres. We are required by the county to notify you of our plans as the new owners. The ranch has four neighbors plus the state land around it. We are filing for a use permit with Cochise County. The use permit would cover asphaltting the existing 4000ft. bladed runway (we would keep the airport open to you as neighbors) Along with the paved runway we would be paving some of the existing roads and adding a touring road that the owners could drive their classic and modern cars on. What we are looking for is a private facility which would allow us older car collectors to drive our cars on the touring road and enjoy the secluded ranch experience. Livestock including horses would remain on the property. Improving the barbeque pit and horse shoe pit is also on the list. There are structures located on the property now and with three wells that should be sufficient for all our water needs. It has been contemplated a central meeting lodge be built in the future. The impact on the property is minimal and it all falls within the RU-4 zoning guidelines. We would love to meet each one of you. If not we would love to talk to you on the phone and answer all your questions. We are asking for your help in securing this use permit. All that is required is your signature on this letter. We have enclosed a stamped return envelope for your convenience.

Sincerely,

Barry Ellis

Barry Ellis

Cell 520-270-7145

Home 520-743-3860

All Property Owners Signature(s)

Mary E. Shao TTE

Date

9-9-08

Fax- 520-743-3860

Email- gdorland@earthlink.net

1511 N. Plaza De Lirios

Tucson Az. 85745



Arizona
State Land Department

Janet Napolitano
Governor
Mark Winkelman
State Land
Commissioner

177 North Church, Suite 1100 Tucson, AZ 85701 www.land.state.az.us

September 17, 2008

Berry Ellis
1511 N Plaza De Lirios
Tucson, AZ 85745

Re: XIA Ranch Special Use Permit

Dear Mr. Ellis:


Regarding the above mentioned special use permit the Arizona State Land Department (the Department), offers the following comments:

- The proposed special land use permit does not appear detrimental to adjacent State Land.
- The property letter notification (see attached) for the above mentioned special use permit does indicate a State Land lease as part of the overall XIA Ranch boundary however, the XIA ranch is *not* located on State Land. The State lease in question contains 960 acres and is for grazing purposes with limited improvements (stock pond and fencing).
- The use permit request includes: paving the existing airstrip and a "touring road" for private use. Based upon aerial photos a portion of the airstrip encroaches upon State Land. As per Oasis (the Department's records management database) the approved lease improvements do not include an airstrip.
- It is the Departments understanding that a special use request that proposes an intensive use, such as an *airstrip*, approval by the Planning and Zoning Commission by way of a public hearing in addition to proper noticing. This statement is intended for clarification purposes only as the property notice letter did not include Cochise County protocol standards for issuing a special use permit.

Should you have any questions regarding these matters, please do not hesitate to contact me.

Respectfully,

ARIZONA STATE LAND DEPARTMENT
Southern Arizona Real Estate Division


Tim Bolton
Principal Planner

Cc: Cochise County Planning Division



Arizona State Land Department

Janel Napolitano
Governor

Mark Winkelman
State Land
Commissioner

177 North Church, Suite 1100 Tucson, AZ 85701 www.land.state.az.us

October 14, 2008

Keith Dennis, Planner
Cochise County Planning Department
1415 Melody Lane,
Bisbee, Arizona 85603

Re: SU-08-20 (Triad)

Dear Mr. Dennis:

Regarding the above mentioned special use permit the Arizona State Land Department (the Department), offers the following comments:


- The proposed touring road's impervious surfaces may affect the areas existing unimpeded hydrology thus, potentially altering downstream flows resulting in adverse affects to surrounding State Lands. In order to prevent any deleterious affects to State Land and pending approval by the County Planning Commission the Department respectfully requests the opportunity to review of any subsequent development plans.

Note: The property owner notification letter distributed by the applicant stated that the special use permit included paving the existing airstrip in addition to the proposed "touring road." Based upon aerial photos a portion of the airstrip encroaches upon State Land. As per Oasis (the Department's records management database) the land in question has an approved lease but the improvements do not include approval of an airstrip.

Should you have any questions regarding these matters, please do not hesitate to contact me.

Respectfully,

ARIZONA STATE LAND DEPARTMENT
Southern Arizona Real Estate Division


Tim Bolton
Principal Planner

Cc: file

Dennis, Keith

From: ellistracing@aol.com

Sent: Monday, February 02, 2009 1:23 PM

To: Dennis, Keith

Subject: Variance For Runway

Inde Motorsports Ranch would like to request a variance to standard set backs to leave existing runway five feet off of property line instead of the building standard. If there are any questions, feel free to call Barry Ellis at (520)270-7145 or email at Ellistracing@aol.com
Thank you

Great Deals on Dell Laptops. Starting at \$499.

110

F

2/2/2009